

1 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

2 JAVAR KETCHUM,

Supreme Court Case No.: 87012

3 Appellant,

District Case No.: **Electronically Filed**
C-16-319714-1
Jan 20 2024 12:50 AM
Elizabeth A. Brown
Clerk of Supreme Court

4 vs.

5 THE STATE OF NEVADA,

6 Respondent.

7
8 (Appeal From a Final Order of The Eighth Judicial District Court, Denying
9 Petition of Writ of Habeas Corpus (Post Conviction))

10 **APPELLANT’S OPENING BRIEF**

11 **Volume I**

12 **Bates Nos.:**

13 **AO000001 – AO000111**

14
15 C. BENJAMIN SCROGGINS, ESQ.

16 Nevada Bar No. 7902

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1 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

2 JAVAR KETCHUM,

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3 Appellant,

District Case No.: C-16-319714-1

4 vs.

5 THE STATE OF NEVADA,

6 Respondent.

7
8 **APPELLANT’S APPENDIX**
9 **ALPHABETICAL INDEX**

10 Pursuant to NRAP 25(c)(1)(E) I certify that I served the foregoing Appellant’s
11 Appendix by causing it to be served by electronic means to the registered users of
12 the Court’s electronic filing system consistent with NEFCR 9 to the following:

13 Aaron Ford
14 Alexander Chen

15 Amended Petition for Writ of Habeas Corpus (Post-Conviction), (03/24/2023).
16 **Volume V - (Bates Nos.: AO000774 – 805)**

17 Appellant’s Corrected Opening Brief, - 75097, (08/29/2018).
18 **Volume IV - (Bates Nos.: AO000575 – 634)**

19 Court Minutes RE Amended PWHC, (05/23/2023).
20 **Volume V - (Bates Nos.: AO000833 – 835)**

21 Court Minutes RE Confirmation of Counsel, (07/26/20218).
..... **Volume IV - (Bates Nos.: AO000571)**

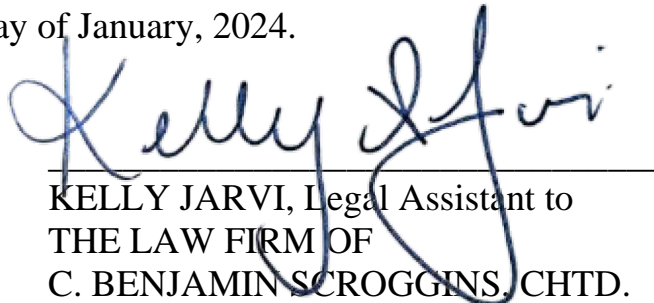
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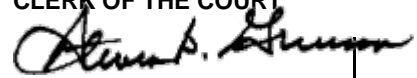
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4 Volume IV - (Bates Nos.: AO000555)
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18	Motion for New Trial, (06/02/2017). . . Volume III - (Bates Nos.: AO000382 – 440)
19	Motion to Vacate Stipulation, (10/30/2017)
20 Volume III - (Bates Nos.: AO000507 – 513)
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17 CERTIFIED this 20th day of January, 2024.

18 
19 _____
20 KELLY JARVI, Legal Assistant to
21 THE LAW FIRM OF
C. BENJAMIN SCROGGINS, CHTD.



TRAN

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

THE STATE OF NEVADA,	.	CASE NO. C-16-319714-1
	.	CASE NO. C-16-319714-3
Plaintiff,	.	CASE NO. C-16-319714-4
	.	
	.	DEPT. NO. XVII
vs.	.	
	.	TRANSCRIPT OF
JAVAR ERIS KETCHUM,	.	PROCEEDINGS
RODERICK VINCENT, and	.	
MARLO CHILES,	.	
	.	
Defendants.	.	
.	

BEFORE THE HONORABLE KATHY HARDCASTLE
SENIOR DISTRICT COURT JUDGE

JURY TRIAL - DAY 1

**PARTIAL TRANSCRIPT
(EXCLUDES JURY VOIR DIRE)**

MONDAY, MAY 22, 2017

APPEARANCES:

FOR THE STATE:	JOHN L. GIORDANI, III., ESQ. STEVEN ROSE, ESQ. <i>Deputy District Attorneys</i>
FOR DEFENDANT KETCHUM:	NICHOLAS M. WOOLDRIDGE, ESQ.
FOR DEFENDANT VINCENT:	CARL E. ARNOLD, ESQ.
FOR DEFENDANT CHILES:	MARTIN HART, ESQ. ALISSA COOLEY, ESQ.

RECORDED BY: CYNTHIA GEORGILAS, COURT RECORDER
TRANSCRIBED BY: VERBATIM DIGITAL REPORTING, LLC

AO000001

1 LAS VEGAS, NEVADA, MONDAY, MAY 22, 2017, 10:23 A.M.

2 (Outside the presence of the jury)

3 THE COURT: All right. This will be in C-319714.
4 State of Nevada versus Javar Ketchum, Roderick Vincent and
5 Marlo Chiles. We have a plea on one of the defendants?

6 MR. HART: Marty Hart appearing with Mr. Chiles.
7 Please stand up. Along with Alissa Cooley.

8 THE COURT: All right. Marlo Chiles, is that your
9 true name in.

10 DEFENDANT CHILES: Yes.

11 THE COURT: Mr. Chiles, how old are you?

12 DEFENDANT CHILES: 30.

13 THE COURT: How far did you go in school?

14 DEFENDANT CHILES: 12th grade.

15 THE COURT: So you read, write and understand the
16 English language?

17 DEFENDANT CHILES: Yes.

18 THE COURT: You have been provided a copy of the
19 Amended Indictment, wherein you're charged with performance
20 of act or neglect of duty and willful or wanton disregard of
21 safety of persons or property, gross misdemeanor. Do you
22 understand this charge?

23 DEFENDANT CHILES: Yes.

24 THE COURT: To this charge how do you plead?

25 DEFENDANT CHILES: Guilty.

1 THE COURT: Is anyone forcing you to plead guilty?

2 DEFENDANT CHILES: No.

3 THE COURT: Are you entering this plea, then, of
4 your own free will?

5 DEFENDANT CHILES: Yes.

6 THE COURT: And I have here a copy of a Guilty Plea
7 Agreement. Is this your signature here on page 5 of this
8 agreement?

9 DEFENDANT CHILES: Yes.

10 THE COURT: Before you signed this agreement, did
11 you read it?

12 DEFENDANT CHILES: Yes.

13 THE COURT: Do you understand everything in it?

14 DEFENDANT CHILES: Yes.

15 THE COURT: Did you have a chance to discuss this
16 Guilty Plea Agreement and the charge in the Amended
17 Indictment with your attorney?

18 DEFENDANT CHILES: Yes.

19 THE COURT: And you discussed your case with your
20 attorney, correct?

21 DEFENDANT CHILES: Yes.

22 THE COURT: Did he answer all your questions?

23 DEFENDANT CHILES: Yes.

24 THE COURT: Do you have any further questions?

25 DEFENDANT CHILES: No.

1 THE COURT: Did you understand the constitutional
2 rights that are listed on page 4 of this agreement?

3 DEFENDANT CHILES: Yes.

4 THE COURT: You understand you're giving up these
5 rights this morning by entering this plea of guilty?

6 DEFENDANT CHILES: Yes.

7 THE COURT: And you understand pursuant to your
8 plea that you could be looking at, what is it, 365 days --

9 MR. GIORDANI: 64.

10 MR. HART: 364.

11 THE COURT: I'm sorry?

12 MR. HART: Up to 346 days jail.

13 THE COURT: 364 days.

14 MR. HART: And a fine of 2,000.

15 THE COURT: Clark County Detention Center and a
16 fine of up to \$2,000?

17 DEFENDANT CHILES: Yes.

18 THE COURT: And you understand sentencing is up to
19 the Court?

20 DEFENDANT CHILES: Yes.

21 THE COURT: And while the negotiation calls for the
22 State to stipulate to probation, not to exceed 18 months,
23 sentencing is still up to the Court; do you understand that?

24 DEFENDANT CHILES: Yes.

25 THE COURT: And are you pleading guilty,

1 Mr. Chiles, because you did on or about the 25th day of
2 September, 2016, within the County of Clark, State of Nevada,
3 willfully and unlawfully remove a DVR system known to contain
4 footage of a robbery and murder, and providing access to
5 those systems to one of the co-defendants, Roderick Vincent
6 and/or an unknown person, to have that system concealed from
7 the police?

8 MR. HART: I believe, he provided the access so
9 that it could be removed.

10 THE COURT: So you provided access to it so it
11 could be removed so that it would cover up what had occurred
12 as far as the robbery and murder?

13 MR. HART: Did you provide access to it so it could
14 be removed?

15 DEFENDANT CHILES: Yes.

16 THE COURT: Okay. And you knew what you were
17 doing?

18 DEFENDANT CHILES: No.

19 THE COURT: Okay. You knew that there was footage
20 that may have shown the robbery and the murder, correct?

21 DEFENDANT CHILES: I knew it was possible, but I
22 didn't know it was --

23 THE COURT: Okay. And someone asked to be able to
24 remove that, and you gave them access so they could remove so
25 it could --

1 MR. HART: Well, he left the door open that was --

2 DEFENDANT CHILES: I was drinking and drunk and
3 then the door was open.

4 MR. HART: He left the door open.

5 DEFENDANT CHILES: Yeah, I left the door open.

6 THE COURT: You left the door open purposely so
7 someone could remove the footage, correct?

8 DEFENDANT CHILES: No.

9 THE COURT: Well, I can't take the plea. You need
10 to talk to your client.

11 MR. HART: Okay.

12 (Off the record at 10:27 a.m. until 10:32 a.m.)

13 (Outside the presence of the jury.)

14 THE COURT: All right. We'll be back on the record.
15 All right, Mr. Chiles, do you wish to change your plea from a
16 guilty plea to guilty plea pursuant to the Alford decision;
17 is that correct?

18 DEFENDANT CHILES: Yes.

19 THE COURT: And you've made this determination
20 after discussion with your attorney?

21 DEFENDANT CHILES: Yes.

22 THE COURT: All right. And I've already gone
23 through the canvass on the other stuff. You think that
24 entering this plea pursuant to the Alford decision is in your
25 best interest?

1 DEFENDANT CHILES: Yes.

2 THE COURT: And is one of the reasons you're
3 entering this plea pursuant to Alford is to avoid trial and
4 the original charges, which could, if you were convicted,
5 result in a harsher penalty?

6 DEFENDANT CHILES: Yes.

7 THE COURT: And, State?

8 MR. GIORDANI: If I may, Your Honor. Mr. Chiles,
9 pursuant to discussions with your attorney, it was
10 represented to us, the State, that you did not observe or in
11 any way see, hear or have any information regarding any
12 attempted robbery, robbery, murder or shooting that occurred
13 in the early morning hours of September 25th, 2016; is that
14 accurate?

15 DEFENDANT CHILES: Yes.

16 MR. GIORDANI: Would you be prepared to say that
17 under oath?

18 DEFENDANT CHILES: Yes.

19 MR. GIORDANI: Your Honor, if I may have the clerk
20 swear him in.

21 THE COURT: All right.

22 MARLO CHILES, STATE'S WITNESS, SWORN

23 THE CLERK: State and spell your name for the
24 record.

25 DEFENDANT CHILES: I'm Marlo Chiles, M-a-r-l-o,

1 C-h-i-l-e-s.

2 MR. GIORDANI: Thank you, Your Honor. Now that you
3 are under oath, I need to ask you specifically did you see,
4 hear or otherwise observe in any way any robbery, shooting,
5 attempted robbery or theft or attempted theft by any person
6 or against any person on the morning of September 25th, 2016?

7 DEFENDANT CHILES: No.

8 MR. GIORDANI: Did you see that or observe anything
9 similarly, not just in person, but on any videotape with
10 regard to any robbery, shooting, attempted robbery, theft or
11 attempted theft by any person or against any person on the
12 early morning hours of September 25th, 2016, at or around the
13 Top Notch clothing store?

14 DEFENDANT CHILES: No.

15 MR. GIORDANI: Now, that you've testified to that
16 under oath, do you understand that if you were to say
17 anything to the contrary in the future, meaning opposite of
18 what you just said, that you could potentially be subject to
19 criminal prosecution for the crime of perjury or lying under
20 oath?

21 DEFENDANT CHILES: Yes.

22 MR. GIORDANI: That's sufficient, Your Honor.

23 DEFENDANT CHILES: All right. And the factual
24 basis, what would the State be able to prove if this case
25 went to trial?

1 MR. GIORDANI: Had this case proceeded to trial,
2 the State would have proven that on or about September 25th,
3 2016, defendant, Marlo Chiles -- excuse me.

4 MR. HART: Informed Detective Dunn --

5 MR. GIORDANI: Hold on, I've got it. Did willfully
6 or unlawfully and feloniously, after the commission of a
7 murder, which is a felony, conceal and/or destroy and/or
8 aided in the destruction or concealment video surveillance
9 and/or DVRs and/or recordings, which are material evidence,
10 with the intent that defendant, Javar Eris Ketchum, might
11 avoid or escape arrest, trial, conviction and/or punishment,
12 having knowledge that defendant Javar Eris Ketchum had
13 committed the murder of Ezekiel Davis and/or was liable to
14 arrest therefore. That would have been proven to have
15 occurred at Clark County -- or in the County of Clark, State
16 of Nevada on or about September 25th, 2016.

17 THE COURT: And this was accomplished by him
18 leaving the door open so somebody would have access to remove
19 the DVR in order to destroy evidence; is that correct?

20 MR. GIORDANI: Yes, Your Honor.

21 THE COURT: And that's what you would be able to
22 prove at trial?

23 MR. GIORDANI: Yes.

24 THE COURT: All right. Mr. Chiles, I have to have
25 some reason to believe that you are guilty of the crime to

1 which you have just entered the guilty plea pursuant to
2 Alford. So I'm going to rely upon the statement just made by
3 State in making that determination. Have you had a chance to
4 discuss that with your attorney?

5 DEFENDANT CHILES: Yes.

6 THE COURT: All right. And you understand,
7 correct?

8 DEFENDANT CHILES: Um-h'm.

9 THE COURT: Is that a yes?

10 DEFENDANT CHILES: Yes. I'm sorry.

11 THE COURT: Okay. Court does find there's a
12 factual basis for the plea. Further finds that the plea is
13 being entered freely and voluntarily, understands the nature
14 of the offense, consequences of his plea, therefore accepts
15 his plea. We'll set the matter over for sentencing on --

16 THE CLERK: September --

17 THE COURT: Well, it's a gross misdemeanor so we
18 can just do a worksheet, right?

19 MR. GIORDANI: Sure, yeah.

20 THE COURT: Okay.

21 THE CLERK: September 12th, 8:30 a.m.

22 MR. GIORDANI: Thank you, Your Honor.

23 MR. HART: Do you want to wait that long or do you
24 want to --

25 THE COURT: We can set -- set it within 30 days

1 because it's just a gross misdemeanor worksheet. I don't
2 need a PSI.

3 MR. GIORDANI: Correct.

4 THE CLERK: Court's indulgence. June 22nd, 8:30
5 a.m.

6 MR. HART: Thank you very much.

7 THE COURT: Okay. Thank you, Counsel.

8 MR. HART: Pleasure seeing you, Your Honor. Have a
9 great day. Please come again.

10 THE COURT: You may be excused. All right. We're
11 going to have the jury panel brought in so we can start jury
12 selection. So, anything else we need to address before we
13 bring in the panel?

14 MR. GIORDANI: Just the one thing, Your Honor.
15 When you read the pleading document that was filed this
16 morning. It is an Amended Indictment that was filed prior to
17 Mr. Chiles entering his plea. And the reason for that
18 initial Amended Indictment was to remove another fourth
19 defendant.

20 Now that Mr. Chiles has entered his plea, I
21 believe, your Clerk has interlineated the amended I filed
22 this morning just to remove defendant Chiles from the
23 pleading document.

24 THE COURT: All right.

25 THE CLERK: (Inaudible).

1 THE COURT: Okay. So you'll have time to give us a
2 clean copy after this afternoon?

3 MR. GIORDANI: Yes, Your Honor.

4 THE COURT: All right, thank you. All right, then
5 I'll be in recess until they bring in the jury panel.

6 (Portion concluded at 10:39 A.M.)


7 (Jury Voir Dire not transcribed)

8 * * * * *

9 ATTEST: I hereby certify that I have truly and correctly
10 transcribed the audio/visual proceedings in the above-
11 entitled case to the best of my ability.

12

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JULIE LORD, INDEPENDENT TRANSCRIBER

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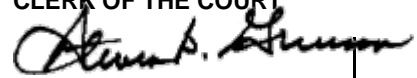
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TRAN

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

THE STATE OF NEVADA,	.	CASE NO. C-16-319714-1
	.	CASE NO. C-16-319714-3
Plaintiff,	.	
	.	DEPT. NO. XVII
	.	
vs.	.	TRANSCRIPT OF
	.	PROCEEDINGS
JAVAR ERIS KETCHUM,	.	
and RODERICK VINCENT,	.	
	.	
Defendants.	.	
.	

BEFORE THE HONORABLE KATHY HARDCASTLE
SENIOR DISTRICT COURT JUDGE

JURY TRIAL - DAY 2

**PARTIAL TRANSCRIPT
(EXCLUDES JURY VOIR DIRE AND OPENING STATEMENTS)**

TUESDAY, MAY 23, 2017

APPEARANCES:

FOR THE STATE:	JOHN L. GIORDANI, III., ESQ. STEVEN ROSE, ESQ. <i>Deputy District Attorneys</i>
FOR DEFENDANT KETCHUM:	NICHOLAS M. WOOLDRIDGE, ESQ.
FOR DEFENDANT VINCENT:	CARL E. ARNOLD, ESQ.

RECORDED BY: CYNTHIA GEORGILAS, COURT RECORDER
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AO000013

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1 LAS VEGAS, NEVADA, TUESDAY, MAY 23, 2017, 1:35 P.M.

2 (Prior proceedings not transcribed)

3 (Inside the presence of the jury)

4 THE COURT: All right. You may be seated. Back on
5 the record. We're back in the presence of the jury and
6 members of the panel are present, counsel for both sides are
7 present, defendants are present. State, you may make your
8 opening statement.

9 (Opening Statements not transcribed)

10 THE COURT: We're going to take a short recess,
11 about ten minutes. So if the jury will step out, please.

12 THE MARSHAL: Rise for the jurors.

13 (Outside the presence of the jury)

14 THE COURT: All right. Outside the presence of the
15 jury. Counsel, you may make your record.

16 MR. GIORDANI: Your Honor, there's been extensive
17 pretrial litigation regarding the victim's history. The
18 defense attempted to elicit specific acts committed by the
19 victim in order to show he was violent. That is obviously
20 precluded by law unless for some reason the State opens the
21 door to that evidence.

22 We litigated this on Friday in front of Judge
23 Villani. He made a -- I don't know how he could be more
24 specific that anything with regard to the victim's prior
25 robberies is not admissible. The only thing the defense can

1 do when he presents his witnesses, which we understand he was
2 going to, is ask them do you know who Zeke Davis is? In your
3 opinion, is he violent?

4 He was specifically ordered when I asked the judge
5 to make this record so Your Honor would be aware of it, that
6 he could go no further. What the defense just did is grounds
7 for a mistrial and completely violates the Court's order. I
8 mean, at this point, I hate to waste the Court's time and
9 jury selection for a day-and-a-half, but that's ridiculous.
10 There is no coming -- there's no unringing that bell.

11 I don't know if the Court has the minutes at this
12 point, but I believe I printed them out and I can pull them
13 up from Friday. I don't know what else to say to that.

14 THE COURT: All right, thank you.

15 MR. WOOLDRIDGE: Sure, Your Honor.

16 THE COURT: Counsel.

17 MR. WOOLDRIDGE: First of all, Ezekiel Davis, I
18 didn't refer to prior booed acts. What I referred to was his
19 reputation, right? And his reputation is that he does have a
20 reputation for sticking people up at gunpoint. At the
21 appropriate time, if I'm really going to get into those prior
22 bad acts, which I don't want to forecast my entire defense to
23 the State, but if Mr. Ketchum takes the stand and says
24 something, well, then that's all going to come in.

25 But right now I referred to reputation. And he

1 does have a reputation for sticking people up at the
2 gunpoint.

3 MR. ROSE: And Judge, here's the issue with this,
4 is you can't simply get around the prohibition on bringing in
5 specific acts of the victim unless they're known to the
6 defendant by simply saying, well, he was a reputation for
7 doing these specific acts.

8 What the case law says is a reputation for
9 violence. And what Judge Villani's ruling, specific ruling
10 on Friday was, is that you could ask about if the person had
11 a reputation or an opinion that Mr. Davis was violent. He
12 was told specifically that he could not go farther than that.
13 He could not get into any of these specific acts.

14 And with regard to the argument that's been made
15 more than once in front of Judge Villani that, you know, he
16 doesn't have to forecast everything, Petrocelli applies to
17 everybody. 48.045 applies to everybody. And in fact,
18 Mitchell v. State indicated that -- it involved a scenario
19 where the Court, in fact, held a Petrocelli hearing prior to
20 the defense in that case bringing in other bad acts of one of
21 the witnesses.

22 This is not something that you can simply get
23 around by saying well, I don't want to show you that
24 beforehand. If we're going to have some kind of proof that
25 the defendant knew about these specific acts, I think we

1 should have that hearing beforehand, before it's brought up
2 here, which is why we filed the motion in limine. We filed
3 the motion in limine specific to address this particular
4 issue where it comes up in opening when it shouldn't, and
5 then you simply unring that bell.

6 This is exactly why we had this issue litigated on
7 Friday before the trial started.

8 THE COURT: All right. Reputation evidence with
9 the character of the victim in this type of case is
10 admissible, if you have the proper witnesses. And in order
11 for it to constitute self-defense, your client's going to
12 have to testify he knew or --

13 MR. WOOLDRIDGE: I understand that.

14 THE COURT: -- somebody's going to have to provide
15 evidence that he knew what the reputation was.

16 MR. WOOLDRIDGE: That's correct.

17 THE COURT: Specific evidence as to the specific
18 bad acts or proving the bad acts is not admissible. You're
19 not going to be able to put the victim on trial to prove that
20 he had prior convictions or had prior incidences of robbing
21 people. It's what his reputation and character was.

22 So you're stuck with witnesses who can testify they
23 were aware of his reputation. You can have a reputation of
24 being violent, even if you're not.

25 MR. WOOLDRIDGE: Sure.

1 THE COURT: It's what people around him knew of his
2 reputation, maybe stories he's read or someone else read,
3 that have no basis in truth, but that's his reputation. So
4 he's going to be allowed to put on that evidence. Be careful
5 how you argue it on opening statements, though.

6 MR. WOOLDRIDGE: Okay.

7 MR. GIORDANI: And I would just add for -- seek the
8 Court for clarification. There's a difference between a
9 reputation for violence and getting into specific acts of
10 robbery, which I believe he just did, unless I misheard.

11 THE COURT: That's where I'm cautioning him.

12 MR. WOOLDRIDGE: Okay.

13 THE COURT: All right? So be careful what you
14 state in opening statement if you don't have the evidence to
15 support it, and no, you will not be able to prove specific
16 prior bad acts, only reputation and character.

17 MR. WOOLDRIDGE: At this stage, you're correct,
18 Your Honor.

19 THE COURT: All right, thank you.

20 MR. GIORDANI: And can we move to strike that
21 portion of what defense counsel said?

22 THE COURT: I think it would just emphasize it in
23 the minds of the jury at this point so let's just go from
24 there. All right.

25 THE MARSHAL: Rise for the jurors.

1 (In the presence of the jury)

2 THE MARSHAL: The panel's present, Your Honor.

3 THE COURT: All right. Please be seated. Back in
4 the presence of the jury. All members of the panel are
5 present, counsel's present, defendants are present. You may
6 continue --

7 MR. WOOLDRIDGE: Thank you.

8 THE COURT: -- with your opening statement.

9 (Opening statements resume; not transcribed herein)

10 THE COURT: Mr. Arnold?

11 MR. ARNOLD: We'll reserve for now, Your Honor.

12 THE COURT: All right, thank you. State, you may
13 call your first witness.

14 MR. GIORDANI: State will call Deshawn Byrd.

15 DESHAWN BYRD, STATE'S WITNESS, SWORN

16 THE CLERK: Please state and spell your name for
17 the court's record.

18 THE WITNESS: Deshawn Byrd, D-e-s-h-a-w-n, B-y-r-d.

19 THE CLERK: You may be seated.

20 MR. GIORDANI: May I, Your Honor?

21 THE COURT: You may.

22 MR. GIORDANI: Thank you.

23 DIRECT EXAMINATION

24 BY MR. GIORDANI:

25 Q Mr. Byrd, do you know a person by the name of

1 Ezekiel Davis?

2 A Yes.

3 Q How long have you known Ezekiel?

4 A Over ten years.

5 Q Were you there on the morning that he was shot and
6 killed?

7 A Yes.

8 Q I wanted to talk to you about that evening and ask
9 you some very specific questions. Where exactly did this
10 occur?

11 A At Top Notch clothing store.

12 Q And so it's a clothing store?

13 A Yeah.

14 Q Is there also a club or a music area related?

15 A Yeah.

16 Q Describe that, generally, what goes on at that club
17 or music area.

18 A Basically, just they sell clothes and they had a
19 little gathering that night, I guess. That's basically -- I
20 don't -- I mean, I just go there just to chill, you know, cut
21 hair.

22 Q On that particular morning, it was September 25th,
23 2016, if I'm correct. Does that sound right?

24 A Right.

25 Q On that particular evening, can you estimate how

1 many people were at the club or the store?

2 A Over ten.

3 Q So there --

4 A What I believe --

5 Q -- was a good amount of people there?

6 A Yeah.

7 Q Was there music?

8 A Yeah.

9 Q And when, if you can remember, did you arrive
10 there?

11 A Probably about 11:00, 12:00 o'clock, around that
12 time.

13 Q So -- okay. 11:00 at night to about midnight?

14 A Yeah.

15 Q When you arrive there, did you arrived with anyone?

16 A Yeah, I did.

17 Q Okay. Was that person Ezekiel Davis?

18 A No.

19 Q Did Ezekiel arrive before you or after you?

20 A After me.

21 Q Do you know when he arrived?

22 A Around 3:00 o'clock.

23 Q Up until that point, had you been hanging out there
24 partying, listening to music, et cetera?

25 A Yeah.

1 Q Were you drinking?

2 A Yeah.

3 Q Were you smoking?

4 A Yeah.

5 Q And when I say smoking, I'm talking about
6 marijuana?

7 A Yeah.

8 Q Okay. When Ezekiel arrived, do you know if he
9 arrived with anyone?

10 A No, he didn't.

11 Q So he arrived alone?

12 A Yeah.

13 Q Was this Ezekiel, did you see what he actually came
14 in?

15 A Yeah, because I was outside.

16 Q All right.

17 A We were all -- all out front talking.

18 Q Okay.

19 A And then he just pulled up.

20 Q Okay. When he pulled up, was he in a vehicle?

21 A Yes.

22 Q And do you know make or model or anything like
23 that?

24 A I think it was a black Charger.

25 Q Okay. Like a Dodge Charger?

1 A Yeah.

2 Q Was it a nice vehicle?

3 A Yeah.

4 Q When he, Ezekiel, arrives, did you have any
5 interaction with him?

6 A Yes.

7 Q And what was that interaction?

8 A He just asked me what was going on up in there?
9 And I was like, oh, it's cool. Everybody's chilling,
10 listening to music, just kicking back. And he was like, all
11 right, well, let's go in there, and I told him to come on,
12 let's go.

13 Q When you had --

14 A Walked in there with him.

15 Q -- this initial interaction with him, did you
16 notice anything out of the ordinary about him?

17 A No. I could tell that he had been drinking.
18 That's about it.

19 Q Okay. Did you notice any big dilated pupils or
20 anything --

21 A No.

22 Q -- extreme?

23 A No.

24 Q Okay.

25 A I wasn't looking for that.

1 Q Fair enough. Was your interaction a positive one?

2 A Yeah.

3 Q Okay.

4 A Definitely.

5 Q I mean, he's your friend, right?

6 A Yeah.

7 Q So after this interaction, does he or do both of
8 you go inside? What happens next?

9 A We went inside, and everybody just basically
10 started talking to everybody, you know, just interacting with
11 others.

12 Q Were there girls there?

13 A Yeah.

14 Q Any girls dancing?

15 A Yeah.

16 Q Okay. Did there -- at any point in the night once
17 Zeke entered the club, did you see him act crazy, erratic or
18 anything like that?

19 A He was just dancing --

20 Q Okay.

21 A -- for the most part.

22 Q Did he seem like he was having a good time?

23 A Oh, yeah, definitely.

24 Q Did you ever observe him bobbing his head to the
25 music?

1 A Um-h'm.

2 Q At some point in the evening, did it -- or in the
3 morning, I guess -- we're into the morning hours now, right?

4 A Right.

5 Q At some point in the morning, did you decide you
6 were going to wrap it up and go home?

7 A Yeah.

8 Q Was Zeke still there when you did that?

9 A Yes, he was.

10 Q Okay. Did you have an interaction with him at that
11 point?

12 A Yes, I did.

13 Q And describe that for the ladies and gentlemen of
14 the jury.

15 A Basically, just I went up to him, asked him was he
16 okay? I grabbed him, I hugged him two times. And I asked
17 him is he sure he's okay because I'm about to leave. And you
18 know, when you got friends at a party, you want to make sure
19 they okay to drive or if they settled down from whatever they
20 was -- they were on, i. If they need any help home or
21 whatever. So I offered, you know, did he need my help with
22 anything. And he said no, he was fine.

23 So I went to the bathroom, and then when I went to
24 the bathroom, this happened within five minutes. Not even
25 five minutes, probably. He was out of the door, and I came

1 out of the bathroom, and I see people running in the hallway.

2 Q All right, let me stop you. I'm going to get to
3 that in a moment.

4 A Okay.

5 Q That interaction you just described with Ezekiel,
6 is that the last interaction you had with him before he was
7 shot?

8 A Yes.

9 Q During that interaction, was his demeanor positive
10 or still the same way he was earlier or was it different?

11 A He -- he was having fun. He had calmed down. You
12 could tell he had calmed down a lot. He was just having fun
13 for the most part. I didn't --

14 Q All right. We're getting around 6:00 a.m.; is that
15 about right?

16 A Probably like 5:00 something.

17 Q Okay.

18 A Yeah.

19 Q So when you had this interaction, I think you
20 described you hugged him?

21 A Yeah.

22 Q Is that right?

23 A Yeah.

24 Q When you hugged him, did you feel anything at all
25 that would indicate to you he had a weapon on him of any

1 kind?

2 A No.

3 Q When you hugged him and went to the bathroom, did
4 he stay where he was or do you know --

5 A No, he did --

6 Q -- (inaudible)?

7 A -- stay where he was.

8 Q Okay. Was he still dancing or doing whatever?

9 A No. By that time, we were all standing around.

10 Q Standing around?

11 A Yeah.

12 Q Okay. So you described, you go to the bathroom and
13 then you come out?

14 A Go to the bathroom, come out, see the people
15 running in the hallway. I run to the front door. I see a
16 car skirt off and then I see my boy laying on the ground.

17 Q Your boy being Ezekiel?

18 A Yeah.

19 Q What did you do when you saw him laying on the
20 ground?

21 A I ran over to him, grabbed him, tried to wake him
22 up. He was unconscious. And finally, when I got him to wake
23 up, he couldn't talk to me. I just kept trying to wake him
24 up, and I called the police.

25 Q Have you up until today's date heard any 911 calls

1 that were potentially made on that night?

2 A No. I -- I was the only one that called, from what
3 I know of.

4 Q Okay. So you had an actual interaction with a
5 dispatcher or somebody?

6 A Yes.

7 Q All right.

8 MR. GIORDANI: Court's brief indulgence. Thank you
9 very much, sir. And I have no further questions. I'll pass
10 the witness.

11 THE COURT: Thank you. Counsel.

12 MR. WOOLDRIDGE: Sure.

13 CROSS-EXAMINATION

14 BY MR. WOOLDRIDGE:

15 Q Mr. Byrd, do you have any prior felony convictions?

16 A I do.

17 Q What do you got?

18 A Burglary.

19 Q Anything else?

20 A Nothing I got convicted of.

21 Q You don't have a conviction for attempt possession
22 of stolen property as a felony in 2010?

23 A That's -- that's the burglary.

24 Q And a burglary in 2013?

25 A They all the same thing.

1 Q One in 2010 and one in 2013, you're saying they're
2 two separate cases?

3 A No, I didn't get convicted for no felony in 2010.

4 Q You indicated you had known Zeke for approximately,
5 ten years?

6 A Yeah.

7 Q Do you remember speaking to police about this case?

8 A Yes, I do.

9 Q Remember telling police that you grew up with him?

10 A Yep.

11 Q He's like a brother to you?

12 A Yes, I do.

13 Q I want to -- do you remember telling police that
14 what you observed when you observed Zeke that night that he
15 was super hyper?

16 A Probably.

17 Q Remember telling police that he was super hyper
18 that night?

19 A I don't recall, but I probably did say it. It was
20 a lot going on.

21 Q Do you want to see your transcript of your --

22 A I don't care to see it.

23 Q Let me just show you since you're not sure. Maybe
24 it will refresh your recollection.

25 MR. WOOLDRIDGE: Bear with me, Your Honor.

1 BY MR. WOOLDRIDGE:

2 Q Okay. I'm going to hand you --

3 THE COURT: Counsel, will you show opposing
4 counsel, please?

5 MR. WOOLDRIDGE: Of course.

6 THE COURT: Thank you.

7 BY MR. WOOLDRIDGE:

8 Q Just take a look at this document. That area.
9 Don't read it out loud or anything. And then just set it
10 down when you're done reading. (Witness reading). Are you
11 done?

12 A Yeah.

13 Q Okay. Does that refresh your recollection?

14 A Um-h'm.

15 Q Remember telling police that he was super hyper
16 that night?

17 A Um-h'm.

18 Q Yes?

19 THE COURT: Okay, sir, I'm sorry, I need "yes" or
20 "no's".

21 THE WITNESS: Yes.

22 THE COURT: Okay, thank you.

23 BY MR. WOOLDRIDGE:

24 Q Sir, he was super hyper that night, and I think you
25 also told the police that one of the things that there was

1 something telling you to ask him, are you okay? Are you
2 straight, right? Isn't that what you told the police?

3 A Yes.

4 MR. WOOLDRIDGE: No further questions.

5 THE COURT: Mr. Arnold?

6 MR. ARNOLD: No questions for this witness, Your
7 Honor.

8 THE COURT: Thank you. Any further questions?

9 MR. GIORDANI: No, Your Honor. Thank you.

10 THE COURT: All right. Mr. Byrd, thank you. You
11 may step down. You're excused.

12 THE WITNESS: All right.

13 THE COURT: You may call your next witness.

14 MR. ROSE: State would call Officer Torres.

15 OFFICER BRENNAN CHILDERS, STATE'S WITNESS, SWORN

16 THE CLERK: You may be seated. Please state and
17 spell your name for the record.

18 THE WITNESS: Officer Brennan Childers,
19 B-r-e-n-n-a-n, C-h-i-l-d-e-r-s.

20 DIRECT EXAMINATION

21 BY MR. GIORDANI:

22 Q Good afternoon, sir.

23 A Good afternoon.

24 Q How are you employed?

25 A I'm a patrol officer with the Las Vegas

1 Metropolitan Police Department.

2 Q How long have you been with Metro?

3 A Since February 2014.

4 Q And that whole time as a patrol officer?

5 A Patrol officer since August 2014, after the police
6 academy.

7 Q And what are some of the basic duties of a patrol
8 officer?

9 A Responding to calls for service, proactive stops
10 patrol -- car stops, people stops, investigative follow-up,
11 things of that nature.

12 Q And so were you working with Metro on September
13 25th, 2016?

14 A Yes.

15 Q And in the early hours of that morning -- actually,
16 let me ask you this first, what shift do you work?

17 A Graveyard.

18 Q And what hours is that?

19 A 10:00 p.m. to 8:00 a.m.

20 Q Now, in the early morning hours of September 25th,
21 2016, did you have reason to respond 4230 South Decatur?

22 A Yes.

23 Q And is that particular place located here in Clark
24 County, Nevada?

25 A Yes.

1 Q In fact, do you have any reason within your line of
2 work to go outside of Clark County, Nevada when you're on
3 patrol?

4 A No.

5 Q What brought you to 4230 South Decatur?

6 A I was working in -- my area command is enterprise
7 area command. We received a call for service reference
8 somebody who had been shot. The call originally, I believe,
9 came out just at the corner of Flamingo and Decatur. I
10 wasn't too far away. I believe, I was at Tropicana and
11 Decatur at the time. And I rode north on Decatur, looked
12 around for the scene, which was initially hard to find in
13 that intersection. But I eventually found it at southeast
14 corner of Flamingo and Decatur.

15 Q And when you arrived at the scene, can you describe
16 for the ladies and gentlemen of the jury what it was that you
17 first saw when you got there?

18 A What I first saw was a crowd gathering around in
19 front of a strip of businesses in the southeast corner, one
20 of them being a clothing store. And there was maybe nine or
21 ten people. When I pulled into the parking lot heading south
22 into the parking lot, there was one black male laying on the
23 ground, and another black male giving him chest compressions,
24 CPR. There was a white female and who seemed to have known
25 the person on the ground because she was approaching me.

1 Also, my partner, Officer Torres, we arrived on
2 scene about the same time, and there was a crowd gathering
3 around and slowly dispersing, I should say, as we were
4 approaching.

5 Q Okay. I'll want to stop you right there. We're
6 going to go through some of the things you've just mentioned.
7 You said that there was a black adult lying on the ground; is
8 that correct?

9 A Yes.

10 Q Was there anything distinctive about this
11 particular individual?

12 A He -- his pants weren't on. It looked like they
13 had been ripped off. There was a lot of various personal
14 items on the ground. He was laying on his back near a parked
15 white vehicle, sedan vehicle.

16 Q Now, with this particular individual, you said his
17 pants were off and there were some items around him on the
18 ground. Was this the person who was receiving CPR or chest
19 compressions?

20 A Yes.

21 Q And at that point in time, could you observe any
22 visible injuries to him?

23 A Well, this being a 415A call, assault battery with
24 a gun call, I looked for signs of a gunshot wound. There was
25 not blood, but some type of fluid coming from on his stomach.

1 There was a small wound on his, I believe, maybe upper -- I'm
2 not too sure -- I believe upper stomach, and so recognized
3 that.

4 Q Now, was it your primary responsibility to deal
5 with this particular individual on the ground or were you
6 trying to do something else at the time?

7 A I was more concerned with the possibility that
8 there might be someone with a gun walking around because the
9 time lapse between the call being broadcasted and us arriving
10 is relatively short. So because there was somebody already
11 administering first aid and because my partner was already --
12 Officer Torres was already communicating with people at the
13 scene, I was only at the scene for maybe two minutes before a
14 sergeant arrived and had pointed out and requested me to go
15 talk to two other people who were walking away. They were
16 headed northbound through the parking lot.

17 Q Okay. Now, you said that one of your main concerns
18 was that somebody might be on scene with a gun; is that
19 correct?

20 A Yes.

21 Q Did you ever find anybody on scene with a gun?

22 A No.

23 Q Did you ever -- other than, obviously, you know,
24 the firearms that Metro has, did you see any other guns at
25 the scene?

1 A No, I did not.

2 Q So let me ask you this, you said that it is the
3 concern for the people with the gun, you were kind of focused
4 on everybody else at the scene; is that correct?

5 A Yes.

6 Q Beyond your initial observations of the individual
7 lying on the ground, did you have any other contact with that
8 person?

9 A With the person on the ground?

10 Q Correct.

11 A No.

12 Q When you arrived, could you tell if that person was
13 alive or dead?

14 A I remember thinking that they were still conscious.

15 Q And are you a medical doctor?

16 A No.

17 Q Do you have any medical training?

18 A No.

19 Q So are you trained in kind of determining if a
20 person is dead?

21 A No.

22 Q So what did you see that made you think that he was
23 still conscious at that point?

24 A I believe, his eyes were still open, and I couldn't
25 -- as far as words that he may or may not -- I don't know if

1 he was speaking. It was close eight months ago, but I
2 remember his eyes still being open. That's pretty distinct.

3 Q So after you go, you're talking to some of the
4 other people who were at the scene, what was the remainder of
5 your involvement with this particular crime scene?

6 A I was maybe a hundred yards north, communicating
7 with those two other people that were stopped, a Hispanic
8 male and I believe a Hispanic female. Because when the cops
9 show up and two people start walking away, maybe it's a good
10 time to talk to them. And just pretty much gathering their
11 personal -- you know, their name and their recollection of
12 what happened or why they're in the area, which I did do, for
13 maybe 40, 45 minutes before a detective came over. I
14 believe, a detective came over and spoke to them. And then I
15 went back to the scene to help keep crime scene preservation,
16 and I debriefed my partner, who was then going to brief
17 homicide detectives upon their arrival.

18 Q At some point, did you end up leaving the scene?

19 A Yes.

20 Q Now, you've mentioned your partner Officer Torres a
21 couple of times. Do the two of you ride in the same car?

22 A No.

23 Q Okay. So although, she was your partner that
24 morning, you two are not necessarily in the same car
25 together?

1 A No, she's -- she was, at the time, I believe, on
2 another squad. We have two squads that work in the area.
3 She was on the other squad. We don't have assigned partners
4 like some departments might where you're always with the same
5 person. But generally, you're never going to go on a call
6 without someone. So they'd be your partner for that time.

7 Q So when you left the scene, was she still present?

8 A Yes.

9 Q She didn't leave with you?

10 A No, by the time I left the scene, there were
11 several officers there.

12 Q Okay.

13 MR. ROSE: I have no further questions at this
14 point in time, Your Honor.

15 THE COURT: All right. Counsel.

16 MR. WOOLDRIDGE: Sure.

17 CROSS-EXAMINATION

18 BY MR. WOOLDRIDGE:

19 Q Officer Lopez?

20 A Childers.

21 Q Childers, sorry.

22 A Yeah.

23 Q You didn't see the shooting?

24 A No.

25 Q And you did not witness anything that led up to the

1 shooting?

2 A No.

3 Q You indicated there were some wounds on the
4 stomach?

5 A I believe so.

6 Q There were two wounds, you said?

7 A I believe, there was one, and then it's sort of
8 difficult because after the fact, you know, it was -- in my
9 job you hear follow-up on the case at the time --

10 Q Yeah.

11 A -- I only saw the one wound. That's all I saw at
12 the time.

13 Q But did you testify that you saw two?

14 A I believe I only said one. You mean just now? I
15 said one.

16 Q During --

17 A Yes.

18 Q -- direct examination did --

19 A I saw a wound on the stomach.

20 Q -- you -- you saw two wounds? You saw two wounds
21 on the stomach? Isn't that what you testified to on direct?

22

23 A I saw one wound.

24 Q Okay.

25 MR. WOOLDRIDGE: No further questions.

1 THE COURT: All right. Mr. Arnold.

2 MR. ARNOLD: No questions for this witness, Your
3 Honor.

4 THE COURT: You may step down. You may be excused.
5 You may call your next witness.

6 MR. ROSE: The State would call Officer Torres.

7 OFFICER JACQULYN TORRES, STATE'S WITNESS, SWORN

8 THE CLERK: Please be seated. Please state and
9 spell your name for the record.

10 THE WITNESS: Jacquelyn Torres, J-a-c-q-u-l-y-n,
11 T-o-r-r-e-s. P number 15237.

12 MR. ROSE: May I proceed, Your Honor?

13 THE COURT: You may.

14 MR. ROSE: Thank you.

15 DIRECT EXAMINATION

16 BY MR. GIORDANI:

17 Q Good afternoon, ma'am.

18 A Good afternoon.

19 Q How are you employed?

20 A I'm a police officer with Las Vegas Metropolitan
21 Police Department.

22 Q And how long have you been with Metro?

23 A Two years.

24 Q And are you a detective or a patrol officer?

25 What's your job title?

1 A Patrol.

2 Q Were you working with Metro on September 25th,
3 2016?

4 A Yes.

5 Q And what area command were you working?

6 A Enterprise area command.

7 Q Now, I'm not as familiar with the area commands.
8 Could you just very briefly kind of tell us what that
9 encompasses?

10 A It's the southwest side of town. It's from
11 Flamingo all the way south and then from the 15 all the way
12 west.

13 Q So is -- does any part of Enterprise go outside of
14 Clark County, Nevada?

15 A No.

16 Q Now, what shift do you work?

17 A Graveyard.

18 Q And what hours is that?

19 A 10:00 p.m. to 8:00 a.m.

20 Q In the early morning hours of September 25th, 2016,
21 do you have reason to respond to 4230 South Decatur?

22 A Yes.

23 Q And what brought you to that particular location?

24 A We had multiple calls to the 911 stating that there
25 was gunshots heard in the area.

1 Q And when you got to particular call, what did you
2 do?

3 A I got assigned to the call, turned on my lights,
4 siren and started going toward the direction of where they
5 said the shots were coming from just to try to locate where
6 it was.

7 Q Okay. And did you ultimately find the particular
8 scene?

9 A Yes.

10 Q And could you describe for us what kind of scene
11 that was.

12 A We got flagged down at the address that you just
13 listed. It's on the east side of -- I'm sorry, Decatur and
14 it's -- we drove a little past it because we couldn't find
15 anybody. We got flagged down. So, I turned in and then it
16 just looked like a small shopping center, like a business
17 complex with small businesses in there.

18 Q And what kind of businesses are we talking about?

19 A I wasn't sure at the time. They just looked like
20 small offices that were leased out for whatever reason.

21 Q Okay. And when you pulled into that particular
22 business, are you in the front of the business or the back?

23 A The front.

24 Q And are you in the parking lot?

25 A Yes.

1 Q Could you describe the parking lot for us? Is it
2 empty? Are there people there? And what's happening when
3 you first arrive?

4 A When I arrived, I arrived heading south in the
5 parking lot and the building that everybody was in front of
6 was the furthest one on the -- in the complex. It was on the
7 corner. And there was a few cars in the parking lot, but
8 there was people in the parking lot. There was a man on the
9 floor that needed help and then there was a couple people
10 standing around his body.

11 Q Okay. And then you said there was a man on the
12 floor who needed help. Could you describe for us in a little
13 bit more detail what you mean by that?

14 A It appeared that he was shot. He was laying there.
15 It was a black male adult. Another man was giving him CPR.
16 There was a girl standing above him. There wasn't blood
17 around him, but he didn't have any pants on. He just had
18 like boxers on and a T-shirt, and he was -- I couldn't tell
19 if he was dead or alive.

20 Q Okay. Let me ask you this. You said that he
21 didn't have any pants on. Was there anybody else there who,
22 for lack of a better term, was pantless?

23 A No.

24 Q Was there anybody else there who was in a similar
25 state of undress?

1 A No.

2 Q Did you see pants not on any particular individual
3 elsewhere in the parking lot?

4 A I can't remember.

5 Q Was your attention primarily focused on --

6 A Yes.

7 Q -- the person you saw bleeding?

8 A Yes.

9 Q And you said that you saw somebody performing CPR
10 on him?

11 A Yes.

12 Q Now, what, if anything, did you do when you saw
13 this individual with an apparent gunshot wound receiving CPR?

14 A We called for medical. Got on the radio, called
15 for medical to expedite. We were just trying to get some
16 kind of identification, if anybody knew who he was, and then
17 I knelt down and gave him -- starting giving him chest
18 compressions until medical got there.

19 Q So you, in fact, took over on the CPR?

20 A Yes.

21 Q Now, do you remember other than the fact that he
22 was not wearing any pants and you say you saw what looked
23 like a gunshot wound, do you remember where that gunshot
24 wound was?

25 A I saw one on his stomach.

1 Q Okay. From your recollection, do you remember
2 seeing any other major injuries on him?

3 A No.

4 Q And you said that he wasn't wearing any pants. He
5 was wearing boxers and some kind of shirt; is that correct?

6 A Yes.

7 Q Do you remember seeing any jewelry on him?

8 A I don't recall.

9 Q And if you remember, I mean, this was eight months
10 ago; is that fair?

11 A Yes.

12 Q Have you been on other calls since then?

13 A Yes.

14 Q Okay. More than a few?

15 A Yes.

16 Q Okay. If you remember, do you remember if there
17 were any other -- any belongings that were on the pavement?

18 A I know that there was other clothing articles
19 around the parking lot.

20 Q And by clothing articles, you mean shoes, things
21 like that?

22 A I believe so.

23 Q Now, you said there was some -- some other cars in
24 the parking lot. Do you remember testifying to that?

25 A I'm sorry?

1 Q Do you remember stating earlier there were other
2 cars in the parking lot?

3 A Yes.

4 Q And are these civilian cars, not police cars?

5 A Yes.

6 Q Did you have any particular interaction with those
7 cars?

8 A Not immediately.

9 Q Did you allow anybody to hop into those cars and
10 drive away?

11 A No.

12 Q After you -- or sorry. So you said you called
13 medical out. Did medical respond at some point?

14 A Yes.

15 Q And were you present when they responded?

16 A Yes.

17 Q Can you tell us what happened after medical
18 arrived?

19 A After medical arrived, they took over with the
20 victim. We started trying to secure the scene more, get more
21 officers there, which were already en route. Just take the
22 scene off the people that were there, try and get any
23 statements from them, and then they put me to do paperwork in
24 my car that needed to be done by detectives got there.

25 Q Okay. So after medical arrives, did the victim

1 that you saw on the pavement, did he stay at the scene much
2 longer?

3 A No.

4 Q Do you know where he was taken?

5 A I -- I don't recall.

6 Q Okay. But do you remember him being taken from the
7 scene?

8 A Yes.

9 Q And you said that you kind of taped off the area
10 and then you went and did some paperwork in the car?

11 A Yes.

12 Q After you completed that paperwork, did you have
13 any other role in this particular scene?

14 A Not that I recall.

15 Q Okay.

16 MR. ROSE: Court's brief indulgence. State has no
17 further questions at this point in time, Your Honor.

18 THE COURT: All right. Thank you. Counsel.

19 MR. WOOLDRIDGE: Sure.

20 CROSS-EXAMINATION

21 BY MR. WOOLDRIDGE:

22 Q Officer Lopez, right?

23 A Torres.

24 Q Gosh. What am I doing? Sorry about that. Okay,
25 Officer Torres, did you see the shooting?

1 A No, sir.

2 Q So you have no idea what led up to that shooting,
3 do you?

4 A No.

5 MR. WOOLDRIDGE: No further questions.

6 THE COURT: Thank you. Mr. Arnold.

7 MR. ARNOLD: Thank you, Your Honor.

8 CROSS-EXAMINATION

9 BY MR. ARNOLD:

10 Q Ma'am, you said something in regards to no one
11 could hop in the cars and drive away. Do you recall that
12 testimony?

13 A Yes.

14 Q Did you tell people that they couldn't drive their
15 cars away?

16 A We asked people to stay there so we could talk to
17 them and get them identified.

18 Q You asked people to stay there, but again, did you
19 tell them that they could not get into their cars and drive
20 away?

21 A They were told not to leave the scene once they --
22 once the scene was taped in.

23 Q Okay. That was my next question. Was the parking
24 lot taped so no cars could leave? Was the parking lot where
25 the cars were taped off, you know, with the yellow tape, was

1 that something that happened at the scene?

2 A We taped off the scene.

3 Q Okay. Did you specifically tape off the scene?

4 A No.

5 Q Do you know when the scene was taped off?

6 A Within a minute or two of us getting there.

7 Q Okay. And people were told -- did you tell those
8 people not to leave the scene?

9 A I told somebody at one point not to leave.

10 Q Were there any attempts by anybody to leave the
11 scene in their vehicles?

12 A In their vehicles, not that I can recall.

13 Q You said that eventually, the victim, Mr. Davis,
14 was taken from the scene, his body was. Do you know if he
15 was dead or alive at the time that he was taken?

16 A I'm not medical or coroner. I --

17 Q So --

18 A I don't know if at that time he was pronounced.

19 Q So you don't know if he was dead or alive, right?

20 A No.

21 Q Do you know if he was dead or alive at the time
22 that you were doing CPR? Did you feel a pulse?

23 A I didn't. I didn't believe he was alive.

24 MR. ARNOLD: I have no further questions. Thank
25 you, Your Honor.

1 THE COURT: Thank you. Any further questions?

2 MR. ROSE: Not by the State, Your Honor.

3 MR. WOOLDRIDGE: None.

4 THE COURT: Thank you, Officer. You may step down.
5 You may be excused.

6 MR. ROSE: Your Honor, the State would call CSA
7 Reiner.

8 THE COURT: All right.

9 MR. GIORDANI: Your Honor, I believe, the witness
10 may have run to the restroom. The CSA's not outside. Is it
11 a good time for a break now or --

12 THE COURT: We can take a break.

13 MR. GIORDANI: Okay.

14 THE COURT: All right. Why don't we take about a
15 15-minute recess. Just remind the jury not to discuss the
16 case, not to form or express any opinions, not to do any
17 research or read any articles, commentary or anything about
18 the case or anyone connected to it. I'll see you back here
19 at 5 after 3:00.

20 THE MARSHAL: Rise for the jurors.

21 (Outside the presence of the jury)

22 THE COURT: All right. Outside the presence much
23 the jury. Anything we need to make record on?

24 MR. GIORDANI: Not on behalf of the State.

25 THE COURT: All right. I'll see you at 5 minutes

1 after 3:00 then.

2 (Court recessed at 2:52 p.m. until 3:12 p.m.)

3 (In the presence of the jury)

4 THE MARSHAL: Court would come to order.

5 Department 17 is back in session.

6 THE COURT: You may be seated. Back on record.

7 Back in the presence of the jury panel. All members of the
8 panel are present, counsel's present, defendants are present.

9 You may call your next witness.

10 MR. ROSE: Thank you, Your Honor. The State would
11 call CSA Reiner.

12 JENNIFER REINER, STATE'S WITNESS, SWORN

13 THE CLERK: You may be seated. Please state and
14 spell your name for the court's record.

15 THE WITNESS: Jennifer Reiner, J-e-n-n-i-f-e-r,
16 R-e-i-n-e-r.

17 MR. ROSE: May I proceed, Your Honor?

18 THE COURT: You may.

19 DIRECT EXAMINATION

20 BY MR. ROSE:

21 Q Good afternoon, ma'am. How are you employed?

22 A As a crime scene analyst with the Las Vegas
23 Metropolitan Police Department.

24 Q And how long have you been with Metro?

25 A I've been with Metro approximately 13-and-a-half

1 years, and I've been in the crime scene unit about eight-and-
2 a-half of those years.

3 Q Now, you said that you're a crime scene analyst.
4 Did you have any special education or training or experience
5 which allows you to be a CSA?

6 A Yes, I have a bachelor's of science degree in
7 criminal justice. I've also completed ten weeks crime scene
8 analyst academy and 12 weeks of field training with the Las
9 Vegas Metropolitan Police Department. And I've also
10 completed over 800 hours in training related to crime scene
11 investigation. And we receive training annually.

12 Q And all that training, is that through Metro,
13 outside agencies or some mixture of both?

14 A Both.

15 Q Okay. Now, you said that you've been a CSA for,
16 what, eight-and-a-half years, did you say?

17 A Yes.

18 Q Okay. Have you ever seen the show CSI?

19 A Yes.

20 Q Do you like the show?

21 A Yeah.

22 Q Well, let me ask you this. How accurate is CSI,
23 the show, compared to what you do?

24 A Not very.

25 MR. WOOLDRIDGE: Objection. Relevancy, Your Honor.

1 THE COURT: Overruled. You may proceed you. You
2 may answer.

3 THE WITNESS: Not very accurate.

4 BY MR. ROSE:

5 Q And what makes you say that? Kind of what -- if
6 there were just a few kind of glaring differences between
7 that and real life?

8 A Well, one, we don't necessarily solve a crime
9 within an hour. When we fingerprint process, it's actually a
10 whole process. We have a whole latent print detail, so we'll
11 process on scene, we'll submit the prints and it has to go
12 over to the latent detail. Same thing with any sort of type
13 of evidence that might have maybe some sort of biological
14 material on it. We actually have a DNA forensic lab that
15 will do the analysis on those items.

16 Q Now, you mentioned you have a fingerprint detail
17 and a biological detail. What are some of your
18 responsibilities as a CSA? Do you specialize in any
19 particular area?

20 A Just in general as far as crime scene
21 investigations, packaging, making sure all the evidence is
22 packaged correctly before it gets over to those sections.

23 Q So are you usually in the field or in the lab?

24 A The field.

25 Q Or some of both?

1 A Oh, well, a mixture of both. Mostly in the field,
2 but in order to finish the evidence then we'll need to be
3 back at the lab.

4 Q Okay. So were you working as a CSA with Metro on
5 September 25th, 2016?

6 A Yes.

7 Q And at that point in time, do you have reason to
8 respond to UMC trauma?

9 A Yes.

10 Q And what was it that brought you to UMC trauma?

11 A There was a death investigation.

12 Q And when you got there, could you describe for us
13 what you saw and what you did?

14 A When I got there, I met with the detective. It was
15 actually a homicide detective. And then we waited for the
16 coroner investigator to arrive. So once the coroner
17 investigator arrived, we were able to take a look at the
18 decedent inside the -- it's called negative pressure
19 isolation room at UMC. It's actually a room kind of set off
20 to the side for deceased individuals.

21 Q And are they -- you said it's a negative pressure
22 room. What is that, do you know?

23 A I don't actually. I just know it's a separate room
24 for deceased individuals. It's a very quiet kind of secluded
25 area.

1 Q Okay. So in your experience, the only time that
2 particular room is used is when you have a decedent in the
3 room?

4 A Yes.

5 Q And what was your role when you arrived at UMC
6 trauma and went into this room set aside from decedents?

7 A To photograph the decedent and collect any possible
8 evidence that may be present.

9 Q And you said that you from a photographed the
10 decedent. Was that with your cell phone or a camera, you
11 know, how did you do that?

12 A A Department issued camera.

13 Q And you mentioned that you had, you know, field
14 training, 800 hours, I think you said.

15 A Um-h'm.

16 Q Does that include training in photography?

17 A Yes.

18 Q And when you finished with your photography, what
19 did you do with the photos themselves?

20 A The photos we actually put into an envelope and
21 then we take it back to our lab section, we log it, drop it,
22 and somebody from the photo lab will come over, grab the card
23 and download it on to a system.

24 MR. ROSE: May I approach the witness, Your Honor?

25

1 THE COURT: You may.

2 BY MR. ROSE:

3 Q Ma'am, I'm going to show you a number much
4 documents. Without saying what they are, can you take a look
5 through those and just tell me whether or not you recognize
6 those documents.

7 A Yes, I do.

8 Q And again, without saying exactly what they are,
9 how is it that you're able to recognize these?

10 A Because these are the photos that I took when I
11 arrived at UMC.

12 Q So you actually took those photos?

13 A Yes.

14 Q And do these photos fairly and accurately represent
15 what you saw when you arrived at UMC?

16 A Yes.

17 MR. ROSE: Your Honor, at this point in time, the
18 State would move for admission of State's Proposed Exhibits
19 141, 142, 143, 144, 145, 146 -- I just want to make sure I'm
20 not forgetting anything -- 147, 148, 149, 150 and 151.

21 THE COURT: Any objection?

22 MR. WOOLDRIDGE: So 141 through 151?

23 MR. ROSE: Correct.

24 MR. WOOLDRIDGE: Okay. No -- I don't have any
25 objection.

1 MR. ARNOLD: No objection, Your Honor.

2 THE COURT: They will be admitted.

3 (State's Exhibits 141 through 151 admitted)

4 MR. ROSE: May I publish, Your Honor?

5 THE COURT: You may.

6 BY MR. ROSE:

7 Q CSA Reiner, I first want to show you what's been
8 now admitted as State's Exhibit 141. Do you see what we're
9 looking at in this particular picture?

10 A Yes. This is a photo of the decedent.

11 Q And so would this be the individual that you saw
12 there on September 25th, 2016 at UMC trauma?

13 A Yes.

14 Q And was this how you found the decedent when you
15 arrived?

16 A No. He was actually covered with like a blue
17 cover.

18 Q And do you remember who it was who removed that
19 blue cover?

20 A The coroner investigator.

21 Q And was that in order to allow you to take
22 photographs and examine the body?

23 A Yes.

24 Q Now, do you see anything of significance to you in
25 this particular photo?

1 A Yes, I do.

2 Q Now, have you ever seen Monday night football?

3 A Yes.

4 Q Are you a football fan? Have you seen where they
5 kind of draw on the screen and you can see it at home?

6 A Yes.

7 Q Well, you can actually do that on this screen as
8 well. So if you wouldn't mind just kind of using your finger
9 to trace whatever it is that you saw of significance to you.
10 (Witness complying). And could you tell us what it is in
11 that particular area that was of significance to you.

12 A There's actually injury to the left abdomen area.

13 Q Is that the area that you were trying to circle?

14 A Yes.

15 Q Okay. Sometimes the machines aren't quite as
16 precise as we would like. Was this the only picture that you
17 took of the decedent at that point in time?

18 A No.

19 Q I'm going to show you what's been admitted as
20 State's Exhibit 142. Can you tell us what it is that we're
21 looking at in this particular photo.

22 A An injury to the right cheek.

23 Q And in this particular photo, can you see any other
24 injuries, do you remember?

25 A Oh, yes. There's a injury behind the right ear.

1 Q Is that why you took this particular photo?

2 A Yes.

3 Q And briefly, can you tell in this particular photo
4 whether or not he has any earrings in?

5 A It does not appear that he is wearing an earring.

6 Q Okay. Showing you Exhibit 143. Do you remember
7 taking this particular photograph?

8 A Yes.

9 Q Is this of that same individual?

10 A Yes.

11 Q And in this particular photo, can you see the wound
12 that we saw previously to the right side of the face?

13 A No.

14 Q Can you see any visible injuries in this particular
15 photograph?

16 A No.

17 Q Now, do you see a earring in this particular
18 photograph?

19 A Yes.

20 Q Showing you 144. You recognize this photograph?

21 A Yes.

22 Q And is there anything in here that is of particular
23 significance to you?

24 A A little bit closer photo of the injury to the
25 abdomen.

1 Q Now, would you agree with me that there are two
2 visible injuries in this particular photo?

3 A Yes. The left side of his chest has sutures.

4 Q Okay. And if wouldn't you mind, and this might be
5 obvious, but if you wouldn't mind just kind of circling the
6 area that you're talking about with the sutures. (Witness
7 complying).

8 Now, are you a medical doctor?

9 A No.

10 Q Have you had the opportunity through your training
11 and experience with Metro as a CSA to view other decedents.

12 A Yes.

13 Q And have you ever seen what you would describe as
14 medical intervention before?

15 A Yes.

16 Q Just based on, you know, what you've seen in the
17 past and what you're looking at here, does this appear to at
18 least be consistent with medical intervention?

19 A Yes.

20 Q So what, if anything, in this particular photograph
21 primarily drew your attention?

22 A The injury to the abdomen.

23 Q That would be the lower injury towards the bottom
24 of the picture that we're looking at?

25 A Yes.

1 Q Would that be the injury that you documented in
2 145?

3 A Yes.

4 Q And looking at that particular injury, have you had
5 the opportunity to see gunshot wounds before?

6 A Yes.

7 Q Have you had the opportunity to photograph gunshot
8 wounds before?

9 A Yes.

10 Q And again, just without saying, you know, whether
11 or not it actually is, does this appear to be at least
12 consistent with a gunshot wound?

13 A Yes, it does.

14 Q What did you do when you saw the decedent on the
15 table and you saw this particular wound?

16 A I documented it as-is and then I took a photo of it
17 with a scale.

18 Q And what's the purpose of taking it with a scale?

19 A To get an approximate size.

20 Q And is that what we're looking at in Exhibit 146?

21 A Yes.

22 Q Is that the same wound that we saw in 145, just
23 this time, as the scale?

24 A Yes.

25 Q Now, we saw a number of photographs of Mr. Davis's

1 chest. Did you take photographs of any other parts of his
2 body?

3 A Yes.

4 Q And do you remember what parts of the body you took
5 photographs of?

6 A He also had an injury on the right side of the
7 torso and again, the right cheek and behind the right ear.

8 Q And were your photographs limited to the torso and
9 head?

10 A No.

11 Q What is it that you're looking for what you're
12 decided to document various parts of a decedent's body?

13 A Again, if there's any sort of injuries present on
14 the individual. Depending on the scene and the information I
15 get from the detectives, whether we need to collect any
16 certain other evidence, transient evidence.

17 Q Are there times that you would take a picture of
18 something that does not show an injury?

19 A Yes.

20 Q And why would you do that?

21 A Again, just the whole documentation of the
22 individual.

23 Q Showing Exhibit 147. Can you tell us what it is
24 we're looking at in this particular photograph?

25 A That is the decedent's left hand.

1 Q And what was your purpose in taking this particular
2 photograph, if you remember?

3 A Just overall condition of the hand.

4 Q So were there any knowable injuries that drew you
5 to the hand?

6 A No.

7 Q And in fact, looking at this, can you point out for
8 us any visual injuries that you can see on his hand?

9 A No.

10 Q Showing you 148, can you tell us what that appears
11 to be?

12 A The left hand.

13 Q And similarly, can you point out for us any visual
14 injuries that you noted in this particular photograph?

15 A No.

16 Q Now, showing you 149, can you tell us what we're
17 looking at here?

18 A That is the right hand.

19 Q Still of Mr. Davis?

20 A Yes.

21 Q Now, do you see anything in this particular picture
22 which stands out to you?

23 A There was no injuries visible, however, there was
24 blood on the hand.

25 Q Now, you said that there were no injuries visible,

1 but there was blood. How can you tell that there were no
2 injuries there?

3 A From the examination that -- the coroner
4 investigator.

5 Q Okay. So there's blood that you noted on the hand,
6 but no actual injuries?

7 A Correct.

8 Q Is that unique -- is that a unique circumstance in
9 your line of work?

10 A No.

11 Q In fact, have you seen other individuals with --
12 who have gunshot wounds who have blood on their hands but no
13 injuries to the hands themselves?

14 A Yes.

15 Q So did that shock you when you saw that?

16 A No.

17 Q Looking at Exhibit 150. Do you recognize this
18 particular photograph?

19 A That would be the top of the right hand.

20 Q Still of Mr. Davis?

21 A Yes.

22 Q The same hand where we saw the blood but no
23 injuries?

24 A Yes.

25 Q Now, looking at this, would you agree with me that

1 this is kind of the back of the hand with the knuckles
2 visible?

3 A Yes.

4 Q Can you tell me, do you see any injuries in this
5 particular photograph?

6 A No.

7 Q Do you see, perhaps, some apparent blood at the top
8 of the hand with no injuries?

9 A Yes.

10 Q And Exhibit 151. Do you recognize this photograph?

11 A Yes. It's a photograph of the decedent's driver's
12 license.

13 Q And did you take this photograph as well?

14 A Yes.

15 Q Where did you find the decedent's driver's license?

16 A I do not recall. Typically, the coroner
17 investigator --

18 MR. WOOLDRIDGE: Objection.

19 THE WITNESS: -- when they arrive --

20 MR. WOOLDRIDGE: As to speculation, Your Honor.

21 THE COURT: Sustained.

22 BY MR. ROSE:

23 Q CSA Reiner, do you remember writing a report in
24 this particular case?

25 A Yes.

1 Q And in that report, did you document anything that
2 you found or recovered from the decedent?

3 A Yes.

4 Q Would looking at that particular report refresh
5 your recollection as to where you may have found this
6 particular item?

7 A Possibly.

8 MR. ROSE: May I approach the witness, Your Honor?

9 THE COURT: You may.

10 BY MR. ROSE:

11 Q CSA Reiner, do you recognize this particular
12 document?

13 A Yes, I do.

14 Q And what do you recognize that particular document
15 to be?

16 A That is the report that I did after the scene.

17 Q Okay. So you actually authored this particular
18 report?

19 A Yes.

20 Q And would you document what you recovered and where
21 you recovered those items from in your report?

22 A If I recovered it, yes.

23 Q Okay. Would you mind taking a look at that
24 particular report, just to yourself, don't read it out loud,
25 and then whenever you're done with that, let me know if it

1 refreshes your recollection as to where that particular item
2 was found. (Witness complying).

3 My apologies. Looking over that document, does
4 that refresh your recollection as to where this particular
5 item was found?

6 A No.

7 Q If -- now, CSA Reiner, do you have a driver's
8 license?

9 A Yes.

10 Q Where do you keep your driver's license?

11 A In my wallet.

12 Q Do you remember recovering a wallet in this
13 particular -- from this particular scene?

14 A No, did I not recover the wallet.

15 MR. ROSE: I have no further questions at this
16 point in time, Your Honor.

17 THE COURT: All right, thank you.

18 MR. WOOLDRIDGE: Give me a moment, Your Honor.

19 THE COURT: Counsel, any questions?

20 MR. WOOLDRIDGE: Yeah. Just give me just a few
21 moments.

22 THE COURT: Okay.

23 MR. WOOLDRIDGE: Thank you.

24 //

25 //

1 CROSS-EXAMINATION

2 BY MR. WOOLDRIDGE:

3 Q CSA Reiner -- Reiner or Reiner?

4 A Reiner.

5 Q Okay. Sorry, apologize. Don't mean to butcher
6 your name. You didn't see the shooting?

7 A No.

8 Q And you have no personal knowledge as to what led
9 to the shooting?

10 A Correct.

11 Q The bullet that you took a picture of, the diameter
12 of the bullet or the way that the wound shows on the stomach,
13 that's indicative that it was a close range shooting,
14 correct?

15 MR. ROSE: Your Honor, I would object to this as
16 being outside any expertise that she has.

17 MR. WOOLDRIDGE: If she doesn't have the expertise,
18 that's fine.

19 BY MR. WOOLDRIDGE:

20 Q Do you not have the expertise to answer that?

21 A No.

22 THE COURT: All right, thank you.

23 BY MR. WOOLDRIDGE:

24 Q This No. 149, this you took a photo of?

25 A Yes.

1 Q Exhibit 149?

2 A Yes.

3 Q Do you know the significance of that is? That
4 tattoo on the wrist?

5 A No, I do not.

6 Q You have no training in tattoos?

7 A No.

8 Q Okay.

9 MR. WOOLDRIDGE: No further questions, Your Honor.

10 THE COURT: Okay, thank you. Any questions,
11 Mr. Arnold?

12 MR. ARNOLD: No questions for this witness, Your
13 Honor.

14 THE COURT: Thank you. Any further questions from
15 the State?

16 MR. ROSE: Not from the State, Your Honor.

17 THE COURT: All right. We have a question from a
18 juror. I'm assuming it's a question, sir?

19 JUROR NO. 4: Yes.

20 THE COURT: All right. You've written it down?
21 And your name and juror number's on it?

22 JUROR NO. I put Juror 4. Do you want my name, too,
23 also?

24 THE COURT: Yes, also put your name on it, please.
25 All right. Counsel approach.

1 (Off-record bench conference)

2 THE COURT: Counsel?

3 (Off-record bench conference)

4 THE COURT: Mr. Jenny (sic), I've reviewed your
5 question. It goes beyond the factual -- it's not really
6 intended to clarify the facts that have already been brought
7 out. It goes beyond the scope so I'm not going to be asking
8 your question.

9 Ms. Hunt, as to your question, the attorney's going
10 to ask a few more questions that may clarify things for you
11 and the rest of the jury. All right.

12 MR. ROSE: Thank you, Your Honor.

13 THE COURT: Counsel.

14 REDIRECT EXAMINATION

15 BY MR. ROSE:

16 Q CSA Reiner, the -- did you collect evidence and
17 impound evidence in this particular case?

18 A Yes, I did.

19 Q And where did you collect that particular evidence
20 from?

21 A Be it was the decedent's boxer briefs, and they
22 were underneath his buttocks.

23 Q And --

24 THE COURT: Was that at the hospital or at the
25 scene?

1 THE WITNESS: At the hospital.

2 BY MR. ROSE:

3 Q Now, the room where he was at that point in time,
4 do you know was that the room where the autopsy was, in fact,
5 performed?

6 A No.

7 Q Were you present for the autopsy itself?

8 A No.

9 Q So the evidence that you collected was that only
10 from the room at UMC trauma, not from the screen and not from
11 a later autopsy?

12 A Correct.

13 MR. ROSE: I have no further questions at this
14 point in time, Your Honor.

15 THE COURT: Thank you. Counsel any further
16 questions?

17 MR. WOOLDRIDGE: I'll pass this witness, Your
18 Honor.

19 THE COURT: All right, thank you.

20 MR. ARNOLD: Nothing further.

21 THE COURT: All right. The witness may be excused?

22 MR. ROSE: Yes, Your Honor.

23 THE COURT: You may step down. Thank you.

24 THE WITNESS: Thank you.

25 THE COURT: You may call your next witness.

1 MR. GIORDANI: Dr. Corneal.

2 DR. JENNIFER CORNEAL, STATE'S WITNESS, SWORN

3 THE CLERK: Please be seated. Please state and
4 spell your name for the court's record.

5 THE WITNESS: Jennifer Corneal.

6 THE COURT: And spell your last name, please.

7 THE WITNESS: C-o-r-n-e-a-l.

8 MR. GIORDANI: May I?

9 THE COURT: You may.

10 MR. GIORDANI: Thank you.

11 DIRECT EXAMINATION

12 BY MR. GIORDANI:

13 Q What do you do for a living, room?

14 A I'm a medical examiner.

15 Q With?

16 A With the Clark County Coroner's Office.

17 Q How long have you been with the Clark County
18 Coroner's Office?

19 A Since July 2015.

20 Q Since July of last -- 2015, how many times have you
21 testified in the Eighth Judicial District Court, if you know?

22 A In this court?

23 Q Yes.

24 A Over 20.

25 Q Based upon your job title as a medical examiner, I

1 would presume that you had some kind of education in order to
2 obtain that position?

3 A I do.

4 Q Can you describe that education?

5 A I'm a doctor. I completed medical school. I then
6 completed residency in pathology and I'm a board certified
7 anatomic pathologist. After that I completed a fellowship in
8 forensic pathology and I'm a board certified forensic
9 pathologist.

10 Q Do you do ongoing or since you came to the Clark
11 County Coroner's Office, did you receive any training or
12 anything of that nature?

13 A No, I've been working full time.

14 Q Okay. So you came in as a full-time, and since
15 2015, you've been doing autopsies?

16 A Yes.

17 Q What is an autopsy?

18 A An autopsy consists of an external examination of a
19 dead body. So I look at them, document hair color, length,
20 eye color, injuries, scars and then an internal examination,
21 which is where you open the body up and look at the organs,
22 looking for natural disease, any injuries to determine cause
23 and manner of death.

24 Q Did you perform an autopsy on a person by the name
25 of Ezekiel Davis on September 26th of last year?

1 A I did.

2 Q And describe when and where that was conducted.

3 A That was conducted at the office of the Clark
4 County coroner that morning --

5 Q Okay.

6 A -- on the 26th.

7 Q Who was present during the autopsy?

8 A Detectives from Las Vegas Police Department, myself
9 and my technician.

10 Q Okay. You described earlier a little bit an
11 external examination and then an internal examination; is
12 that accurate?

13 A Yes.

14 Q I want you to go through your external examination
15 and any findings related thereto as it relates to Ezekiel
16 Davis.

17 A On his external examination there was a gunshot
18 wound of the left side of his abdomen. He also had some
19 other injuries, including a bruise with some skin tearing on
20 his right cheek. Some skin tearing behind his right ear and
21 a small abrasion on the right side of his back.

22 MR. GIORDANI: And Your Honor, I believe there's a
23 stipulation between the parties to State's Proposed Exhibits
24 116, 17, 18, 19, 20, 21.

25 MR. WOOLDRIDGE: Can I just see them real quick?

1 MR. GIORDANI: Same stack that was up here.

2 MR. WOOLDRIDGE: Okay.

3 MR. GIORDANI: Mr. Arnold, would you like to see
4 these?

5 MR. ARNOLD: Thank you.

6 THE COURT: All right. Exhibits may be admitted.
7 You may publish.

8 (State's Exhibits 116 through 121 admitted)

9 MR. GIORDANI: Thank you.

10 BY MR. GIORDANI:

11 Q Ma'am, before I start showing these exhibits, is
12 there a process of documenting injuries that's conducted by
13 both your office, the Clark County Coroner's Office, and
14 Metro with a crime scene analyst?

15 A Yes.

16 Q So is it fair to presume that there are two sets of
17 photographs, one being coroner photographs and another being
18 Metro?

19 A Yes.

20 Q Okay. I'm going to show you Exhibit 116. Does
21 that appear to be a Metro photograph?

22 A Yes.

23 Q How would you know that?

24 A There's no identification card with our coroner's
25 identification number in it.

1 Q Okay. As a typical process in the coroner's
2 office, would you have a little identification tag,
3 essentially, in the frame of each photograph?

4 A Yes. Unless it's a close-up of an injury.

5 Q Okay. But do you recall the injury here to
6 Mr. Ezekiel Davis?

7 A Yes. This is the area of bruising on his cheek
8 with the associated area of skin tearing.

9 Q Okay. It's got a little glare to it, so let me
10 zoom in here. And, ma'am, you've testified before, you know
11 you can write on that screen up there?

12 A Yes.

13 Q Describe that again, please, and just point to --
14 you know, put a dot on what you're talking about.

15 A All right. So there's bruising in this area, and
16 then there's skin tearing in this area.

17 Q Was there an associated injury to Mr. Davis on that
18 side of his head behind his ear?

19 A Yes.

20 Q Was that -- can you describe that injury?

21 A It's a laceration or a skin tear.

22 Q All right. I'll move this photograph a little bit.
23 Can you see this skin tear that you're describing?

24 A Yes. It's right here. It's a little --

25 Q I want to show you Exhibit No. 121. Let me zoom

1 out. Are we looking at the left side of Mr. Davis's abdomen?

2 A We are.

3 Q Appear to be some medical intervention that was
4 performed up on the right here?

5 A Yes. He had thoracotomy incision.

6 Q Okay. Just real basically, what is a thoracotomy
7 incision?

8 A They opened his chest and massaged his heart in
9 order to try to bring him back.

10 Q Underneath that is when we're -- I guess, in
11 proximity to that, it would be in the left in the photo.
12 What are we looking at there?

13 A This is an entrance gunshot wound.

14 Q Before I move on to internal injuries, I want to
15 ask you were there any other injuries on the person of
16 Ezekiel Davis that were acute as in recent?

17 A No.

18 Q No injuries whatsoever that were acute or recent on
19 Mr. Davis?

20 A None other than the ones we've just spoken about.

21 Q Showing you Exhibit No. 117, 117. What are we
22 looking at here?

23 A This is the projectile, the bullet we removed from
24 Mr. Davis.

25 Q Okay. I want you to please describe your internal

1 examination of Mr. Davis.

2 A On the internal examination, there was over a liter
3 of blood in Mr. Davis's abdomen. There was injury to his
4 large and small bowel. There was injury to his bladder, and
5 there was a perforating wound through his aorta and his
6 abdomen.

7 Q And did you determine a cause and manner of death
8 in this particular case?

9 A I did.

10 Q And what were your findings there?

11 A Gunshot wound of abdomen, homicide.

12 Q Okay. Gunshot wound of abdomen, is that the cause
13 of death?

14 A It's the cause of death, yes.

15 Q And the manner of death?

16 A Homicide.

17 Q Okay. Did you take samples from Mr. Davis's blood
18 and/or body and seek toxicology examination on those results?

19 A Yes.

20 Q And do you, yourself, conduct a toxicology exam or
21 is that sent out to another lab?

22 A That's sent out.

23 Q In this particular case, are you familiar with the
24 lab results?

25 A Yes.

1 Q And were there elicit substances in Mr. Davis's
2 body?

3 A There were.

4 Q Can you list them?

5 A He had methamphetamine and amphetamine, which is
6 the metabolite, as well as marijuana and there are
7 metabolites and the non-elicited substance would be alcohol.

8 Q Do you recall, as you sit there, the levels of
9 those substances in his body?

10 A Yes.

11 Q Can you list them for the jury?

12 A The methamphetamine was at 110 nanograms per
13 milliliter. Amphetamine was 36 nanograms per milliliter.
14 His alcohol, his blood alcohol level was 0.014. And I don't
15 recall the marijuana metabolites offhand.

16 Q Okay. So he had, I believe, it's three or is it
17 four different substances?

18 A Three.

19 Q Three. Okay. And how many autopsies could you
20 estimate that you conducted on murder victims?

21 A Hundreds.

22 Q Have you seen similar results in other cases with
23 regard to toxicology?

24 MR. ARNOLD: Objection.

25 MR. WOOLDRIDGE: Objection.

1 MR. ARNOLD: Relevance.

2 MR. GIORDANI: I'll get to the relevance.

3 Certainly not speculation.

4 THE COURT: I'll allow the question. Go ahead. Go
5 ahead.

6 MR. GIORDANI: Thank you, Your Honor.

7 THE WITNESS: As in similar substances?

8 BY MR. GIORDANI:

9 Q Yes.

10 A Yes.

11 Q Would Mr. Davis's levels when it comes to
12 methamphetamine in any way shock or surprise you?

13 A No.

14 Q Have you seen levels much higher than what
15 Mr. Davis has?

16 A Definitely.

17 Q And of course, you've probably seen people with no
18 methamphetamine in their system, I would assume?

19 A Yes.

20 Q Were there any personal effects on Mr. Davis's
21 person when you conducted your autopsy or beforehand, I
22 guess?

23 A Beforehand, yes.

24 Q What were they?

25 A As far as clothing, he had a green Polo shirt and a

1 sock and he also had a earring, I believe, in his left ear --

2 Q Okay.

3 A -- and a yellow metallic bracelet around the right
4 wrist.

5 MR. GIORDANI: I have no further questions. I'll
6 pass the witness.

7 THE COURT: All right, thank you.

8 MR. WOOLDRIDGE: Bear with me a moment, Your Honor.

9 CROSS-EXAMINATION

10 BY MR. WOOLDRIDGE:

11 Q So one of the things I was a little -- are you
12 saying that most people that are shot are high on meth? Is
13 that what you were saying?

14 A I'm saying that a lot of our homicide victims have
15 methamphetamine on board.

16 Q So a lot of people that are shot are high on
17 methamphetamine?

18 A Not just shot, but yes.

19 Q Or killed, you're saying?

20 A Yes.

21 Q So is that -- that's just something that a lot of
22 times that people that come through these -- that you do
23 these autopsies with are always high on meth or --

24 A Not always, no.

25 Q -- the majority of them are high on meth?

1 A I can't give you a exact number.

2 Q You testified to something earlier about you've
3 done lots of these cases and lots of them are high on meth.
4 Did I understand your testimony wrong?

5 A No. I said I've done lots of these cases and there
6 are some people who are high on meth.

7 Q Okay. So only some are high on meth?

8 A I can't say if it's majority or -- I'd have to go
9 back and do research and tell you the numbers.

10 Q Okay. One of the things that you did -- you did do
11 an autopsy report in this case, though, right?

12 A I did.

13 Q All right. And I think one of the things that you
14 noted you have like basically, three Roman numerals in the
15 beginning of your report. Do you remember that, putting
16 those three --

17 A May look?

18 Q Sure, of course.

19 A Yes.

20 Q And you put gunshot wound to abdomen,
21 methamphetamine intoxication --

22 A Yes.

23 Q -- and no significant natural disease?

24 A Yes.

25 Q So it was your medical conclusion that he was

1 intoxicated on methamphetamine, right?

2 A Yes, on some level.

3 Q You also -- on direct you indicated that you had
4 completed an external examination for scars, right?

5 A Yes.

6 MR. GIORDANI: Objection. Relevance. I asked were
7 there any other acute injuries and she said no.

8 MR. WOOLDRIDGE: It was -- the door was opened,
9 Your Honor.

10 THE COURT: Counsel, you had directions from the
11 Court. The objection's sustained.

12 MR. WOOLDRIDGE: Okay.

13 BY MR. WOOLDRIDGE:

14 Q You indicated that you ruled this to be a homicide,
15 right?

16 A Yes.

17 Q And a homicide is not necessarily a murder; isn't
18 that right?

19 A Correct.

20 MR. GIORDANI: Objection. That's outside the
21 scope.

22 THE COURT: Overruled.

23 BY MR. WOOLDRIDGE:

24 Q Is that correct?

25 A Yes.

1 Q And you were not there when Zeke Davis was shot?

2 A No.

3 Q And you have no personal knowledge as to what led
4 to the shooting?

5 A No.

6 MR. WOOLDRIDGE: No further questions. Actually,
7 one more question.

8 BY MR. WOOLDRIDGE:

9 Q The bullet, the bullet to the abdomen, the way that
10 that -- the way that's displayed, that indicates that it's a
11 close-range shooting; is that correct?

12 A No.

13 Q Okay.

14 MR. WOOLDRIDGE: No further questions.

15 THE COURT: Mr. Arnold.

16 MR. ARNOLD: No questions for this witness, Your
17 Honor.

18 THE COURT: Thank you. Any further questions from
19 State?

20 MR. GIORDANI: No, Your Honor. Thank you. All
21 right, thank you. Any from the jury? All right, thank you.
22 You may step down.

23 THE WITNESS: Thank you.

24 MR. GIORDANI: You may be excused.

25 THE COURT: You may call your next witness.

1 MR. ROSE: State would call CSA Szukiewicz.

2 JOSEPH SZUKIEWICZ, STATE'S WITNESS, SWORN

3 THE CLERK: Please be seated. Please state and
4 spell your name for the court's record.

5 THE WITNESS: Joseph Szukiewicz,
6 S-z-u-k-i-e-w-i-c-z.

7 MR. ROSE: May I proceed, Your Honor?

8 THE COURT: You may.

9 DIRECT EXAMINATION

10 BY MR. ROSE:

11 Q Sir, how are you employed?

12 A I'm a senior crime scene analyst with the Las Vegas
13 Metropolitan Police Department.

14 Q And how long have you been with Metro?

15 A For 20 years.

16 Q And do you have any kind of special training or
17 experience that helps you to be a CSA?

18 A I have a bachelor's degree in criminal justice from
19 UNLV. I have a certification through the International
20 Association For Identification For Crime Scene
21 Investigations, and I've taken numerous classes, workshops
22 and seminars relating to crime scene investigation,
23 bloodstain evidence, homicide and death investigations.

24 Q And that's all in addition to 20 years of practical
25 experience doing the job?

1 A Yes. Over 6,000 calls.

2 Q So it might be an obvious question, but were you
3 working as a CSA with Metro on September 25th, 2016?

4 A Yes.

5 Q And did you have reason to respond to 4230 South
6 Decatur?

7 A Yes, I did.

8 Q And what was the nature of the call that brought
9 you out there?

10 A We were responding to a homicide investigation.

11 Q And what jobs did you have while out at that
12 particular location?

13 A My job at the scene was to collect and preserve the
14 evidence and to complete a crime scene diagram.

15 Q Now, what is a crime scene diagram?

16 A So what we do is we take a drawing of the crime
17 scene and then we will measure items of evidence as well as
18 buildings and cars into that scene. Then later on the -- the
19 sketch will be made into a computer diagram and that's what
20 we do for that.

21 Q Does that take you a long time to create?

22 A It does.

23 Q Do you remember, approximately, how long you were
24 out at that particular scene?

25 A We were out at that scene for approximately, eight

1 hours.

2 MR. ROSE: And Your Honor, at this point in time, I
3 believe there's a stipulation to Exhibits 1 through 127.

4 MR. WOOLDRIDGE: I have no objection.

5 THE COURT: All right.

6 MR. ARNOLD: No objection, Your Honor.

7 THE COURT: It will be admitted.

8 (State's Exhibits 1 through 127 admitted)

9 BY MR. ROSE:

10 Q And sir, don't worry I'm not going to walk through
11 all 127 photographs with you. But what I would like to do is
12 to go through some of them with you. And specifically,
13 starting with Exhibit 33. Do you recognize what's shown
14 here?

15 A I do. That's the frontage area of the strip mall
16 where the scene was located.

17 Q And do you remember where specifically within this
18 strip mall your efforts were focused?

19 A Yeah, the focus was where the black vehicle is, all
20 the way down to the third vehicle at the end, and then there
21 was a business in front of that vehicle. That's where we
22 concentrated our -- our investigations to.

23 Q And do you remember that particular business being
24 Top Notch Apparel?

25 A Yes, I do.

1 Q Have you ever been to Top Notch Apparel before?

2 A No, I have not.

3 Q Did you have the opportunity to see both outside
4 and inside that particular business?

5 A Yes.

6 Q Were you able to do that all at once or how long
7 did it take you to make your way inside the business?

8 A No, we did the exterior first, the business was
9 locked, and it took, approximately, three to four hours
10 before we entered the interior of the business.

11 Q And you said that you processed the exterior first.
12 Did you document the things out in the front parking lot
13 area?

14 A Yes. My partner that I was with, Crime Scene
15 Analyst Erin Taylor, she did the note taking and the
16 photography of the scene. So that was documented by her.
17 And while she was doing that, I was collecting the -- or
18 marking evidence as well as completing the diagram.

19 MR. ROSE: Your Honor, at this point in time, State
20 would move to admit by stipulation Exhibit 131.

21 THE COURT: All right, it will be admitted.

22 (State's Exhibit 131 admitted)

23 BY MR. ROSE:

24 Q Sir, do you recognize this particular document?

25 A Yes, I do.

1 Q And what do you recognize this to be?

2 A That's the diagram that I prepared for this case.

3 Q Now, you said that you took measurements and then
4 you created this particular diagram.

5 A Yes.

6 Q Is this designed to be to scale?

7 A No, it's not to scale. But it's an accurate
8 depiction of the scene.

9 Q So does there show the physical relationship
10 between the items located the on scene as you recovered them?

11 A Yes.

12 Q And this might seem obvious, but is this only of
13 the outside portion of that particular business?

14 A Yes, it is.

15 Q And I'd like to show you Exhibit 1, in fact. Can
16 you tell us what we're looking at here?

17 A Yes. It's the opposite direction so it's a south
18 view looking north of the parking lot in front of the
19 building.

20 Q And the items -- (indecipherable) you can see
21 certain items on the ground in this particular picture?

22 A Yes.

23 Q And the items that were there, did you -- are those
24 the items that were -- we see marked on your diagram?

25 A Yes, those are some of them. That's not all of

1 them. There are more items that were recovered, but those
2 are the ones that were marked that were small enough to put
3 onto the diagram. We mark those with cones. The other
4 things with clothing and other areas were not put on the
5 diagram.

6 Q Now, you said things like clothing. Do you
7 remember recovering any clothing at the scene?

8 A Yes, I did.

9 Q And do you remember what kind of clothing you
10 recovered?

11 A I did or I do.

12 Q And what was that?

13 A I recovered a pair of corduroy pants, a pair of
14 shoes and a hat.

15 Q Those corduroy pants, do you remember what color
16 they were?

17 A I think they were burgundy, if I remember
18 correctly.

19 Q If I can show you Exhibit 4. Are these those
20 pants?

21 A Yes, they are.

22 Q Is the color slightly off on your screen?

23 A It is. It could also be the photograph, too. The
24 way it photographed, but I believe they are burgundy.

25 Q And looking at this particular photograph and from

1 your own memory, do you remember if those pants were inside
2 out or right side out?

3 A No, they were inside out.

4 Q And Exhibit 5, do you recognize that as also being
5 part of those pants?

6 A Yes. It was just the photo of the pocket, a
7 close-up photo.

8 Q Now, you said that you also recovered a hat and a
9 number of other items. Did you -- before you recovered those
10 items, did you take any other steps to document where they
11 were located?

12 A Yes. They were -- well, they were -- they were
13 photographed and then they were measured into the diagram and
14 they were given placards and numbers for recovery.

15 Q Showing you Exhibit 39. Are these the placards
16 that you're talking about?

17 A Yes, they are.

18 Q And are these -- why do you use these particular
19 placards?

20 A In this case, these are to mark items of evidence
21 that are fairly small. So it would be difficult to see them
22 if we didn't lay them down so that's the reason we use them.
23 And they're also going to be items that we are going to be
24 recovering as well.

25 Q And looking at the placards here, is each placard

1 individually numbered?

2 A Yes, it is.

3 Q Do you have multiple placards of the same number?

4 A No.

5 Q Why is that?

6 A It would create confusion. So we give one item of
7 evidence for one placard so we know what -- what each item is
8 going to be for the impound.

9 Q So if we're looking at your diagram here, does that
10 also have item numbers on it?

11 A Yes, and those would correspond with where the
12 placards are on the parking lot pavement.

13 Q So if we look at item number 2 behind vehicle
14 number 2, would that correspond to placard number 2?

15 A Yes, it is.

16 Q And would that be the hat and the shoes and the
17 other items, which you mentioned in your -- as you were
18 listing off what you recovered?

19 A Right. So this is an overall photograph of that
20 grouping, but the specific item for number 2 would be that
21 gold chain with the lion's head medallion on it.

22 Q And then looking at item number 4 on your diagram
23 also behind vehicle number 2, would that correspond with that
24 particular piece of jewelry?

25 A Yes, it was an earring and it had a bent post to

1 it.

2 Q Do you remember if you found one or more than one
3 earring?

4 A No, we just -- I believe it was just that one.

5 Q And you said you noticed that it had a bent post.
6 Did that signify anything to you?

7 A It could have been stepped on, it could have been
8 driven over, so it was just a observation, but I don't know
9 how the post got bent.

10 Q Now, all of these items that have these placards,
11 did you recover those items?

12 A Yes, I did.

13 Q And could you briefly walk us through how it is
14 that you go about recovering particular items of evidence.

15 A So we'll mark the items of evidence. They're going
16 to go into the -- measured into the diagram, they get
17 photographed, and then we pick up each item of evidence
18 individually. They'll be placed in groupings. So I won't
19 pick up jewelry items and mix them with cigarette butts, for
20 instance. So they'll be picked up, placed in the proper
21 containers, and then put into proper bags for collection from
22 the scene for transport to our -- to our lab.

23 Q Now, I want to draw your attention back to your
24 diagram. Do you see vehicle number 1 listed here?

25 A Yes, I do.

1 Q I'm zoom in a little bit for you. Do you see an
2 item number 1 also listed?

3 A Yes, I do.

4 Q And could you just kind of point out briefly or
5 quickly where item number 1 is located on this?

6 A Yeah, it's -- oh. It's right next to the rear
7 right tire of vehicle number 1. I know I made a mess of
8 that.

9 Q Okay. And vehicle number 1, is that what we see
10 depicted in State's 64?

11 A Yes, it is.

12 Q And you said that particular item, item number 1,
13 was located near the tire --

14 A Yes.

15 Q -- on that particular car?

16 A Yes.

17 Q And in State's 61, are we looking at a slightly
18 closer view of the tire in the area nearby?

19 A Yes.

20 Q Looking at State's 62. Could you tell us what it
21 is that we're looking at in this particular photograph?

22 A Yeah, that's the photograph of the -- the cartridge
23 case that was item number 1 next to the tire, and it's --
24 it's pretty much sitting up on the tail end of the cartridge
25 case.

1 Q Now, before this photograph was taken, are you
2 aware of whether or not this was manipulated in any way?

3 A I do not know.

4 Q Is it policy to go and move something before you
5 photograph it in place?

6 A No, it's not.

7 Q So to the best of your knowledge, is this how this
8 particular cartridge casing was actually found at that scene?

9 A Yes.

10 Q Now, you refer to it as a cartridge casing. Do you
11 have any training with firearms and ballistics and anything
12 like that?

13 A I -- I do.

14 Q Could you just give us a quick description? What's
15 a cartridge casing?

16 A Okay, so explain a cartridge case, I'll explain
17 what a cartridge is. So cartridge is a full round of
18 ammunition and it's the cartridge, which is the metal body
19 part, the primer, the gunpowder and then the bullet. So the
20 bullet would be actually where you see the opening. The
21 bullet would be coming out of that, and then you would have
22 powder and then primer.

23 When a round of ammunition is fired, the cartridge
24 case, if this is a semi-automatic or if it's a revolver, it
25 stays within the cylinder. But on a semi-automatic it ejects

1 out of the -- it ejects out of the gun and you are left with
2 a cartridge case.

3 Q So this is not the complete round itself?

4 A It is not.

5 Q From what you see here, can you tell that the
6 bullet itself has already been fired?

7 A The bullet has been fired.

8 Q Do you remember recovering any other cartridge
9 casings from this particular scene?

10 A No, this was the only one.

11 Q Do you remember if any other cartridges were
12 recovered from the scene?

13 A Yes, there was one cartridge recovered from the
14 scene.

15 Q And where was that cartridge located?

16 A It was located on the rear left passenger
17 floorboard of vehicle number 3, which was located in front of
18 suite number F.

19 Q And if I could direct your attention to Exhibit 86.
20 Is this a picture of the interior of vehicle number 3?

21 A Yes, it is.

22 Q And if we zoom in on that, do you see the cartridge
23 that you described inside that vehicle?

24 A I do. It's located on the floor area between, I
25 believe, those are two coins that are on that -- on that

1 floor mat or the floor of the vehicle.

2 BY MR. GIORDANI:

3 Q You said that is a full cartridge?

4 A Yes, it is.

5 Q Do you remember what caliber the cartridge casing
6 that you found was?

7 A The cartridge case was a 9 millimeter.

8 Q And the cartridge that you found, that's in a
9 bullet that has not been shot, right?

10 A Yes.

11 Q That's how you described it?

12 A That's correct.

13 Q Do you remember if that was the same caliber or
14 different caliber?

15 A No, it was a different caliber.

16 Q And do you remember what caliber that was?

17 A It was a .380 auto.

18 Q Now, the black car, vehicle number 1, that you --
19 that, you know, you said that the cartridge casing, the spent
20 round, was right outside of that car, do you remember if
21 there were any cartridge casings or cartridges found inside
22 vehicle number 1?

23 A No, there were not.

24 Q Do you remember if there were any guns found inside
25 vehicle number 1?

1 A No.

2 Q What about inside vehicle number 3, where you found
3 the full cartridge, were there any guns found there?

4 A No.

5 Q So other than the one spent cartridge casing right
6 outside of vehicle number 1 and the unexpended cartridge
7 inside vehicle number 3, do you recall there being any
8 firearms or firearms related items that were recovered at
9 this location?

10 A No, I do not.

11 Q So you had the opportunity to spend quite a while
12 outside the business documenting everything, collecting
13 everything. Did you have the opportunity -- maybe you
14 mentioned it earlier, but did you have the opportunity to
15 enter the building itself?

16 A Yes, I did.

17 Q And what, if anything, were you looking for inside
18 that building?

19 A We were looking for anything that would give us
20 information on to what may have happened. We were looking to
21 see if there was possible surveillance. We were looking to
22 see if there was anymore firearms evidence that we can, you
23 know, try to kind of help us. We kind of really didn't know
24 exactly what we had, so we were still in a search mode when
25 we went into the building so -- but still documenting through

1 notes and photography and then searching for items that we
2 can potentially find.

3 Q Now, you said that one of the things that you were
4 looking for was surveillance. Did you locate any
5 surveillance in or around that particular building?

6 A Yes. There were -- there were cameras pretty
7 prevalent throughout the interior of the building as well as
8 some on the exterior.

9 Q So both inside and outside. Do you remember how
10 many styles of cameras you saw?

11 A Not exactly. There were -- there were standard,
12 like infrared type looking camera, you know, surveillance
13 cameras or video cameras.

14 Q I'm showing you State's 95. Is that one of the
15 cameras that you're talking about?

16 A Yes, it is.

17 Q And from what you see here, from your recollection,
18 was that found inside or outside of the building?

19 A That looks like it's outside of the building.

20 Q And in State's 96, do you see any surveillance
21 cameras in this particular photograph?

22 A I do. There's one in the upper corner, upper
23 right-hand corner of the photograph of the retail area.

24 Q Now, it's -- I recognize this is a little bit far
25 away. If you wouldn't mind just kind of circling around

1 where you're describing that to be.

2 A It's in the lower corner of that circle.

3 Q So the lower left portion of where you just
4 circled?

5 A Yes.

6 Q Now, you said that you had the chance to go through
7 the interior of the store. Is this how you found the front
8 portion of Top Notch Apparel?

9 A Yes.

10 Q And would this be, State's 97, just be another
11 angle from the front of that?

12 A Yes, it is.

13 Q Now, in State's 96, would you agree with me that
14 there's kind of a glass window close to the center of the
15 picture?

16 A Yes.

17 Q Do you have the chance to see what was on the other
18 side of that particular window?

19 A Yes, we went inside.

20 Q What was in there?

21 A It's like a music studio. There was equipment
22 inside of there. Yeah, just like music equipment and, you
23 know, studio equipment.

24 Q Would you agree with me that there's also a door
25 kind of on the left wall of the hallway that leads towards

1 the back of the store?

2 A Yes.

3 Q Did you have the opportunity to go through that
4 door?

5 A Yes, I did.

6 Q And was what you found through that door also a
7 part of a clothing store?

8 A No.

9 Q Or did it appear to be what you would expect to
10 find in a clothing store?

11 A No, it wasn't.

12 Q Showing you State's 27. Do you recognize what's
13 shown in this picture?

14 A Yes, I do.

15 Q And can you just kind describe for us briefly what
16 you see here?

17 A Okay, so the door in the far back corner, that was
18 the door that you saw going off of the hallway. And you have
19 a center elevated platform with a pole, numerous seating
20 areas and speakers and some musical equipment inside that
21 room.

22 Q So this is actually taken facing towards the front
23 of the store itself?

24 A Yeah. Yes, this would be a west view of that room.

25 Q And if you were standing where this particular

1 photograph was taken, and you were to turn 180 degrees, so
2 you're now facing towards the back of the store, could you
3 describe for us what was back there? Was it a blank wall or
4 what was it?

5 A No, there was -- there was another room back there
6 that encompassed -- there's a bar and a pool table.

7 Q Showing you State's 31. Is this that area that you
8 were describing?

9 A Yes, it is.

10 Q So the portion of this picture that's off to the
11 left, do you see some of the sound equipment?

12 A Yes.

13 Q Is that the -- kind of the dance area we saw in the
14 last photograph?

15 A Yes, it is.

16 Q Now, did you have the opportunity to go through all
17 of these rooms and into the back area behind the clothing
18 store?

19 A There was an outdoor like patio area that I went
20 outside to, yes.

21 Q And did you -- and you went to actually go back as
22 well?

23 A Yes.

24 Q And showing you State's 13. What are we looking at
25 here?

1 A So that's the back east rear patio area of the
2 business, and that would just be outside of that poolroom
3 that you saw in the last photograph.

4 Q And this is State's 14. Is this another angle of
5 that back patio area?

6 A Yes, it is.

7 Q And I'll ask again, the (indecipherable) but
8 State's 15, is this another area back there?

9 A Yes.

10 Q And I want to draw your attention specifically to
11 one portion of this particular picture. Do you see the area
12 above the what looks like a rolling door?

13 A Yes, I do.

14 Q And would you agree with me that there's a light
15 directly above the right-hand side of that rolling door?

16 A Right. Yes, there is.

17 Q Do you see something off to the left from that
18 area?

19 A I do.

20 Q And do you remember what we're looking at there?

21 A I -- I don't know. It looks like it could be a
22 camera, but I don't, you know, recollect exactly what it was.

23 Q Okay. Well, if I show you State's 16, and direct
24 you kind of the top of that particular photograph, do you
25 recognize what we're looking at there?

1 A To be honest, no. I would have presumed it would
2 be a camera, but I don't know for sure.

3 Q Okay. And you said that as you went through the
4 building, you found numerous cameras both inside and outside?

5 A Yes.

6 Q Did you recover any video during your trip through
7 this particular store?

8 A I didn't recover a video, per se, but I recovered
9 two hard drive disks that were from the -- from the room that
10 had that window in it.

11 Q From that kind of music studio area?

12 A Yes.

13 Q And you said two hard drive disks. Were those
14 pulled right from a computer or what kind of hard drive disks
15 are we talking about?

16 A They're plastic encased individual -- individual
17 hard drives and they were just on the desk of the studio.

18 Q Do you remember them being attached to anything,
19 like connected to anything?

20 A I don't believe they were.

21 MR. ROSE: Court's brief indulgence. The State has
22 no further questions at this point in time.

23 THE COURT: All right.

24 MR. ROSE: And I'll make sure these are all in
25 order before the end of the evening.

1 THE COURT: All right. Very good.

2 CROSS-EXAMINATION

3 BY MR. WOOLDRIDGE:

4 Q Senior Crime Scene Analyst, can I get your last
5 name? They went quick and I didn't -- I think it started
6 with a W, but maybe I'm even wrong.

7 A It's Szukiewicz.

8 Q Szukiewicz?

9 A Yes.

10 Q Yugoslavian?

11 A I'm sorry?

12 Q Are you Yugoslavian?

13 A It's a Polish name.

14 Q Okay. Were you the first on the scene?

15 A No.

16 Q Okay. What time did you get there?

17 A I got there at 7:30.

18 Q 7:30 a.m.?

19 A A.m., yes.

20 Q So that was about, approximately, three hours after
21 the shooting?

22 A I don't know original time of call.

23 Q Okay.

24 A So I don't -- I don't remember.

25 Q You photographed a hat that was there?

1 A No. My partner, Erin Taylor, did.

2 Q Do you know what kind of hat that was?

3 A I think it was a Gucci hat.

4 Q And that was left at the scene?

5 A Yes.

6 Q Do you remember what kind of shoes were left at the

7 scene?

8 A Prada.

9 Q Prada shoes?

10 A Yes.

11 Q And I think you also showed a -- there was a gold

12 chain, a lion head chain?

13 A Yes.

14 Q That was also left at the scene?

15 A Yes.

16 Q As well as a earring?

17 A Yes.

18 Q And a mouth grill?

19 A Yes.

20 Q The mouth grill, do you know who that belonged to?

21 A No.

22 Q And what was in the mouth grill, gold and diamonds?

23 A There was, I think, just silver and gold.

24 Q Okay. You talked about some cartridges and

25 casings. I think there was one -- you found one cartridge,

1 right, inside somebody's car?

2 A That's correct.

3 Q A different type of bullet?

4 A Yes.

5 Q And then you found a empty casing near a black
6 Dodge Charger?

7 A Yes.

8 Q Okay. You didn't find any guns?

9 A No guns.

10 Q You didn't find a 9 millimeter gun?

11 A No.

12 Q You didn't find any other type of guns?

13 A No.

14 Q And you did not see the shooting?

15 A No, I did not.

16 Q And you have no personal knowledge as to what led
17 to the shooting?

18 A That's correct, I do not.

19 Q Or what caused the shooting?

20 A No.

21 MR. WOOLDRIDGE: No further questions.

22 CROSS-EXAMINATION

23 BY MR. ARNOLD:

24 Q Sir, you said that you recovered two hard drive
25 disks from that studio room; is that correct?

1 A That's correct.

2 Q Did you have the opportunity to review what was on
3 those disks to determine if they had any evidentiary value in
4 this case?

5 A That's not something that I would do.

6 Q But did you turn those over to the evidence storage
7 room?

8 A Yes, sir.

9 Q Did you also recover a laptop out of that room?

10 A I did not recover a laptop.

11 Q Do you recall recovering an iPad from that room?

12 A I did not recover an iPad.

13 Q What about a iPhone from that room?

14 A No, I did not.

15 Q The cartridge that you found in what was described
16 as vehicle 3, that was a actual bullet that was not fired; is
17 that correct?

18 A That is correct.

19 Q And it was a different bullet than the one that you
20 found the -- outside of the black Dodge; is that correct?

21 A Yeah, it's different ammunition, yes.

22 MR. ARNOLD: No further questions.

23 THE COURT: Thank you. Further questions?

24 MR. ROSE: Not by State, Your Honor.

25 THE COURT: All right. From the jury? Okay, thank

1 you, sir. You may step down.

2 THE WITNESS: Thank you.

3 MR. WOOLDRIDGE: Your Honor, can we approach really
4 quick?

5 THE COURT: May.

6 (Off-record bench conference)

7 THE COURT: All right. Ladies and gentlemen, we
8 have no further witnesses this afternoon so we're going to go
9 ahead and recess for the afternoon. Before I release you,
10 I'll remind you once again it is your duty not to discuss
11 this case among yourselves or with anyone else. You're not
12 to communicate in any way either by phone, text, Internet,
13 tweeting or any other means. You're not to read, watch or
14 listen to any news or media accounts or commentary about the
15 case or anyone connected to it. You're not to do any
16 research, such as consulting dictionaries, using the Internet
17 or using reference materials, and you're not to make any
18 investigation, test the theory of the case, recreate any
19 aspect of the case or in any other way investigate or learn
20 about the case on your own.

21 With that, nor are you to form or express any
22 opinion about the case. With that, we'll be in recess until
23 9:30 tomorrow morning.

24 THE MARSHAL: Rise for the jurors.

25 (Outside the presence of the jury)

1 THE COURT: All right. Any other matters we need
2 to cover?

3 MR. GIORDANI: Not on behalf of State.

4 THE COURT: All right. Thank you.

5 MR. WOOLDRIDGE: Thank you.

6 THE COURT: We'll see you tomorrow morning.

7 MR. WOOLDRIDGE: Are we 9:30 tomorrow, Your Honor?

8

9 THE COURT: 9:30 tomorrow.

10 MR. WOOLDRIDGE: Okay.

11 (Court recessed at 4:26 P.M., until Wednesday,

12 May 24, 2017, at 9:39 A.M.)

13

* * * * *

ATTEST: I hereby certify that I have truly and correctly
transcribed the audio/visual proceedings in the above-entitled
case to the best of my ability.



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